

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE AND DECISION OF THE COUNTY REVIEW GROUP

* BEFORE THE
* COUNTY BOARD OF APPEALS

* OF
* BALTIMORE COUNTY

NORTHWEST CORNER OF YORK ROAD AND STEVENSON LANE (7300 YORK ROAD)

* 9TH ELECTION DISTRICT
* 4TH COUNCILMANIC DISTRICT

* CASE NOS.: 90-71-SPHA;
* CBA-89-191

* YORK AND STEVENSON LIMITED PARTNERSHIP, PETITIONER

ORDER OF DISMISSAL

County Board of Appeals Case No. 90-71-SPHA was called for hearing on January 29, 1991 at 10:00 a.m. Before any testimony or evidence was received, People's Counsel withdrew her appeal. Prior to concluding the hearing, the Board did receive an Agreement between the York-Stevenson Limited Partnership, The Wiltondale Improvement Association and Eileen C. Riley, dated March 19, 1991 and a site plan marked Petitioner's Exhibit No. 1, both of which are entered into the case file. All appeals in both referenced cases having been withdrawn, the Board will therefore dismiss the appeals in this case.

IT IS HEREBY ORDERED this 14th day of December, 1991, by the County Board of Appeals of Baltimore County, that all appeals previously filed in Case Nos. 90-71-SPHA and CBA-89-191 are hereby DISMISSED WITH PREJUDICE.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett

John G. Disney

Michael B. Sarge



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 18, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case Nos. CBA-89-191 (Latshaw Property) and 90-71-SPHA (York & Stevenson Ltd. Part.)

Dear Mr. Hoffman:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Linda M. Kuzmaul
Linda M. Kuzmaul
Legal Secretary

Enclosure

cc: Robert E. Latshaw, Jr. - York & Stevenson Ltd. Part.
People's Counsel for Baltimore County
Michael P. Tanczyn, Esquire - Latshaw Commercial Properties
Mr. Robert J. Smith - Mr. Ollie Mumpower
Mr. Bill Kirwin - Ms. Margie Prevot
Ms. Barbara Ramsey - J. Strong Smith
J. Markwood Harp, Sr. - Mr. Craig W. Parker
Mr. Patrick C. Dolan - Ms. Carol Natale
Mr. Bob Howanski - Mr. Arthur Kutcher
Ms. Eileen Riley - P. David Fields
Pat Keller - Lawrence E. Schmidt
Timothy M. Kotroco - James E. Dyer
W. Carl Richards, Jr. - Docket Clerk - Zoning
Arnold Jablon, Director - Zoning Administration
Current Planning - Economic Development Commission
Developers Engineering Division - Robert E. Covashey
David L. Thomas - Jose H. Escalante
Nancy C. West, Esquire

IN THE MATTER OF LATSHAW PROPERTY

* BEFORE THE
* COUNTY BOARD OF APPEALS

* NORTHWEST CORNER OF YORK ROAD AND STEVENSON LANE
* 9TH ELECTION DISTRICT
* 4TH COUNCILMANIC DISTRICT

* OF
* BALTIMORE COUNTY

RE: CRG DECISION

* CASE NO. CBA-89-191

(Also referencing Zoning Case No. 90-71-SPHA)

RULING ON MOTION

This matter comes before the Board as a consolidation of two appeals arising from the proposed development of the subject property located on the corner of Stevenson Lane and York Road owned by the Petitioner/Developer, York & Stevenson Ltd. Partnership. Specifically, before the Board is an appeal of the decision of the County Review Group (hereinafter "CRG") dated November 22, 1989 which approved the plan for development. That appeal was consolidated with an appeal from the decision of the Zoning Commissioner dated September 8, 1989 as amended on October 19, 1989, which granted the Developer's Petition for Special Hearing (Case No. 90-71-SPHA).

At the hearing before the Board, several witnesses on behalf of the Developer testified. It was their uncontradicted testimony that the proposed development would encompass the continued office use of a structure now existing and in use on the property and the construction of a second office building to house medical offices. Further, the proposed plan was clear that the existing building contained 5,060 square feet of office use. There was no evidence that the Developer intended to restrict future office use to that footage. In fact, it was suggested that office use would continue to the same extent as now being exercised.

Latshaw Property Case No. CBA-89-191

Further, there was testimony from a principal of the developer partnership, Robert Latshaw, disclosing that additional office use beyond that shown actually exists in the present structure. Specifically, he testified that approximately 300 square feet of office use exists in the basement of the present building as well as a leased space for storage of books.

It is clear from this uncontradicted testimony of Mr. Latshaw that the total office space therefore shown on the plan and used in the computation of the required parking figures differs from the amount of space actually in use. Clearly, more than 5,060 square feet of office use exists within the structure presently on site. This being the case, the parking required to support the proposal as shown on the plan is insufficient.

The Developer asks us to correct this deviation by attaching a condition within our Order restricting the office use in the existing structure to an area of 5,060 square feet. As noted in open hearing, the Board does not perceive its role in these cases to be that of a "super CRG," thereby substituting its judgement for that of that agency. Rather, we are obligated to consider appeals of the CRG which come before us within the framework contained within Section 22-61 of the Baltimore County Code.

Therefore, we are persuaded that the action of the CRG was in fact "arbitrary, capricious, procured by fraud or otherwise illegal" in that the CRG had before it a plan which did not accurately reflect conditions at the site. We shall therefore remand this plan to the CRG in order to enable the Developer and that agency to resolve this issue, if possible. As to the Special

Latshaw Property Case No. CBA-89-191

Hearing case, it shall be held by this Board sub curia and shall be rescheduled for continued hearing on the issues relevant thereto upon request of either party.

ORDER

Wherefore, it is this 29th day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Protestants' Motion to Remand submitted at the conclusion of the Developer's case be and is hereby GRANTED for the reasons stated herein above and in open hearing; and

IT IS FURTHER ORDERED that this matter be and is hereby REMANDED to the CRG for further study and consideration consistent with the remarks within the above Opinion; and

IT IS FURTHER ORDERED that the appeal from the decision of the Zoning Commissioner in Case No. 90-71-SPHA be and is hereby held sub curia to be reset upon request of either party.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

John G. Disney

Arnold G. Foreman

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE

* BEFORE THE ZONING COMMISSIONER

* NW/Corner York Rd. and Stevenson Lane (7300 York Rd.)

* OF BALTIMORE COUNTY

* 9th Election District

* 4th Councilmanic District

* Case No. 90-71-SPHA

* YORK AND STEVENSON LIMITED PARTNERSHIP, Petitioner

NOTICE OF AMENDED APPEAL

Please note an amended appeal to include an appeal from your Amended Order in the above-captioned matter, under date of October 19, 1989, as well as our original appeal from your decision under date of September 8, 1989.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 14th day of November, 1989, a copy of the foregoing Notice of Amended Appeal was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Ave., Towson, MD 21204; and Keith R. Truffer, Esquire, Royston, Mueller, McLean & Read, Suite 600, 102 W. Pennsylvania Ave., Towson, MD 21204-4575.

RECEIVED
11-14-89
ZONING OFFICE

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES - NW/Corner York Road and Stevenson Lane (7300 York Road)

* BEFORE THE
* ZONING COMMISSIONER

* 9th Election District

* 4th Councilmanic District

* OF BALTIMORE COUNTY

* Case No. 90-71-SPHA

* YORK AND STEVENSON LTD. PART. PETITIONERS

AMENDED ORDER

WHEREAS, the Petitioners requested a special hearing to approve a use permit for business parking in an O-1 zone and a determination that amenity open space is not required in an O-1 zone containing parking but no building; or in the alternative, a variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space, in accordance with the plan submitted and identified as Petitioner's Exhibits 1 and 1A;

WHEREAS, by Order issued September 8, 1989 the use permit for business parking in an O-1 zone was granted subject to restrictions;

WHEREAS, the Petition for Special Hearing to approve a finding that amenity open space is not required in an O-1 zone containing parking but no building was DISMISSED;

WHEREAS, the Petition for Zoning Variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space was DISMISSED;

WHEREAS, subsequent to the issuance of the Order, Petitioner filed a Motion for Clarification and Amendment requesting certain clarifications in the Zoning Commissioner's Order issued September 8, 1989, consistent with the evidence produced and the findings of the Zoning Commissioner;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October, 1989 that the relief granted in the Order issued September 8, 1989 be and is hereby AMENDED, only to the extent set forth below:

- 1) The first line of Restriction No. 3 should read "The proposed office building is limited to medical or office space only."
- 2) The first two lines of Restriction No. 4 should read "The use permit for parking in the O-1 zone granted herein is limited to use by the office building only. The parking spaces along the north boundary of the O-1 zone shall be specifically assigned for use by employees only of the office building and shall be marked with signs posted to that effect."
- 3) Restriction No. 5 should read "The use of the parking spaces in the O-1 zone shall be limited to the hours of from 7:00 AM to 9:00 PM Monday through Friday, and on Saturdays from 9:00 AM to 5:00 PM. At no time shall employee parking be permitted in the O-1 zone on Sundays. This restriction shall not preclude church parking on Sundays."

IT IS FURTHER ORDERED that all other terms, conditions and restrictions contained in the original Order dated September 8, 1989 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for Baltimore County

JRH:bjs

cc: Robert A. Hoffman, Esquire, Attorney for Petitioners
210 Allegheny Avenue, Towson, Md. 21204

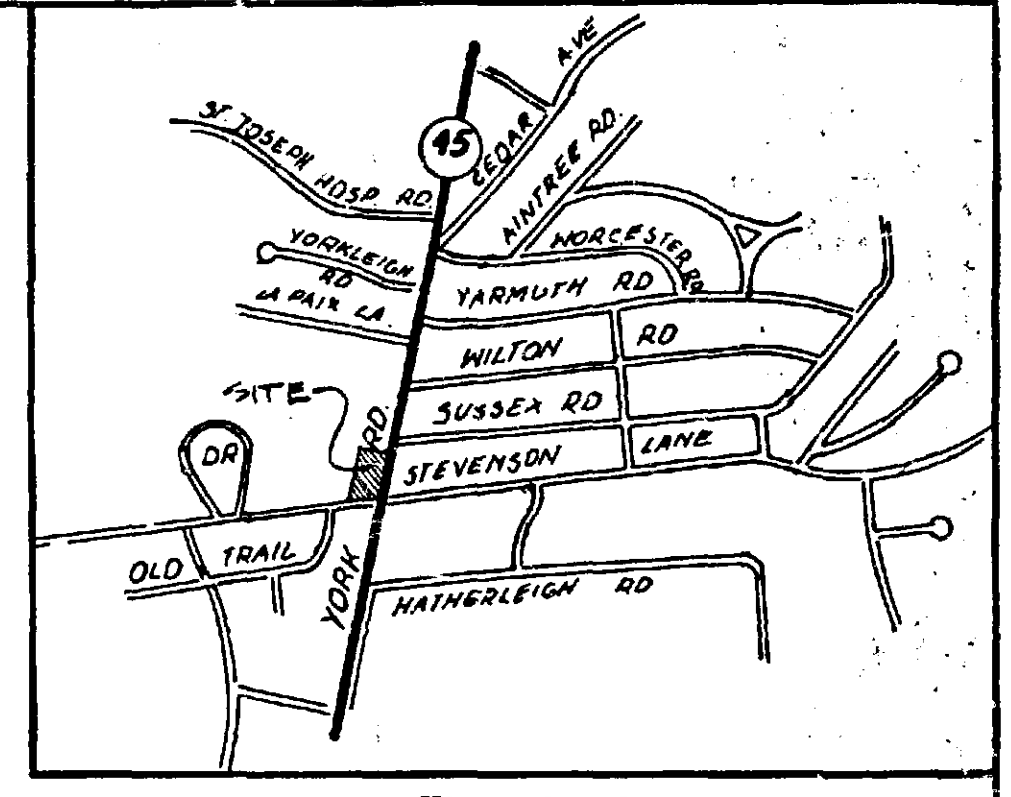
Keith R. Truffer, Esquire, Attorney for Protestants
102 W. Pennsylvania Avenue, Suite 600, Towson, Md. 21204

All Protestants

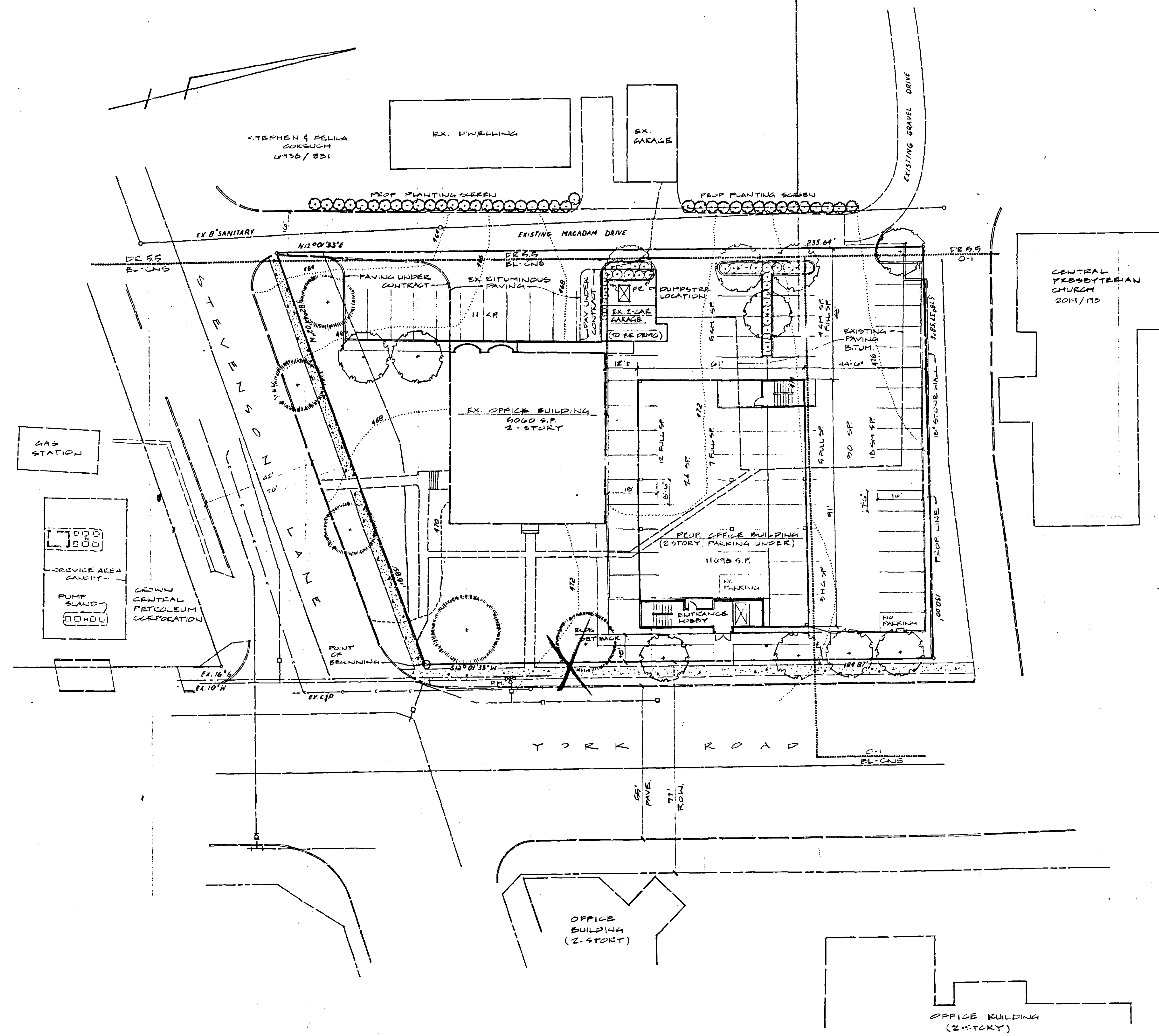
People's Counsel

File

- GENERAL NOTES**
- 1) ALL PROP PAVING TO BE BITUMINOUS CONCRETE.
 - 2) ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROP W/ A MAX HEIGHT OF 15'.
 - 3) PROPOSED PLANTING SCREEN SHALL CONSIST OF (40) LIGUSTRUM LUCIDUM SPACED @ 2' O.C..
 - 4) PAVING NOTED AS "UNDER CONTRACT" BY PERMIT NO. B-011040.



VICINITY MAP
1" = 1000'



SITE DATA

1. AREA - NET - 31,538 S.F., GROSS - 41,850 S.F.
2. ZONING - BL-CNS GR - 33519 S.F.
O-1 GR - 7011 S.F.
DES GR - 710 S.F.
3. ALLOWABLE FLOOR AREA (FAR 30)
BLDG. ENTIRELY IN BL ZONE - 100,951 S.F.
4. EXISTING FLOOR AREA - 5000 S.F.
5. PROPOSED ADDITIONAL FLOOR AREA - 11,690 S.F.
6. PARKING
MEDICAL - 11382 S.F. @ 4.9/1000 S.F. = 51 SP.
GENERAL OFFICE - 5000 @ 3.3/1000 = 17 SP.
TRANSIT ADJUSTMENT - 5% @ 67 = 33 SP.
TOTAL SP. REQUIRED - 65
TOTAL SP. PROVIDED - 65
40% SHALL SP = 26 FULL SP = 39

ZONING REQUESTS

1. SPECIAL HEARING TO APPROVE A USE & PERMIT FOR BUSINESS PARKING IN AN O-1 ZONE.
2. SPECIAL HEARING TO APPROVE A DETERMINATION THAT AMENITY OPEN SPACE IS NOT REQUIRED IN AN O-1 ZONE CONTAINING PARKING BUT NO BUILDING.
OR ALTERNATIVELY
2.A. A VARIANCE FROM SECTION 204.4B3 TO PERMIT 5% AMENITY OPEN SPACE IN AN O-1 ZONE IN LIEU OF THE REQUIRED 20% AMENITY OPEN SPACE.

REVISED PLAN
7-7-89

Description of 31,538± Square Feet of Land,
Northwest Corner of York Road and
Stevenson Lane.

Beginning at a point in the north right-of-way line of Stevenson Lane and in the west right-of-way line of York Road; thence leaving said point of beginning and binding on the west right-of-way line of York Road

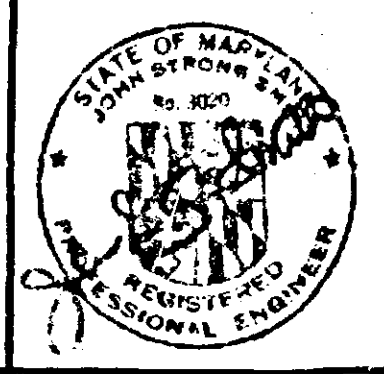
- 1) North 12° 01' 33" West 184.87 feet; thence leaving said right-of-way line
- 2) North 78° 37' 58" West 150.00 feet; thence
- 3) South 12° 01' 33" West 235.64 feet to a point in the north right-of-way of Stevenson Lane; thence binding on said line
- 4) North 82° 44' 02" East 158.91 feet to the point of beginning.

This description is for zoning purposes only and is not intended for use in the conveyancing of land.

MICROFILMED

PLAT TO ACCOMPANY REQUEST FOR SPECIAL HEARING

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120



2 B Signs

LATSHAW ET AL PROPERTY
@ 7300 YORK ROAD
ELECTION DISTRICT - 9
SCALE - 1" = 20' DATE - 12 MAY 1987

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/Corner York Rd. and : OF BALTIMORE COUNTY
Stevenson Lane (7300 York Rd.) :
9th Election District :
4th Councilmanic District :
YORK AND STEVENSON LIMITED : Case No. 90-71-SPHA
PARTNERSHIP, Petitioner :

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of September 8, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 6th day of October, 1989, a copy of the foregoing Notice of Appeal was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/Corner York Rd. and : OF BALTIMORE COUNTY
Stevenson Lane (7300 York Rd.) :
9th Election District :
4th Councilmanic District :
YORK AND STEVENSON LIMITED : Case No. 90-71-SPHA
PARTNERSHIP, Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 6th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman
10/6/89
ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES - NW/Corner York Road and Stevenson Lane (7300 York Road) : BEFORE THE ZONING COMMISSIONER
9th Election District : OF BALTIMORE COUNTY
4th Councilmanic District : Case No. 90-71-SPHA
York and Stevenson Ltd. Part. :
Petitioners :

MOTION FOR CLARIFICATION AND AMENDMENT

On September 8, 1989, the Zoning Commissioner for Baltimore County issued an Order in the referenced case granting a use permit for business parking in the O-1 zone, in accordance with Petitioner's Exhibit 1.

Additionally, the Zoning Commissioner imposed certain restrictions numbered 1-6 on which Petitioners respectfully request the following clarification and amendment:

3. The proposed office building is limited to medical or general office space only.
4. The use permit for parking in the O-1 zone granted herein is limited to use by the office building only. Parking spaces along the north boundary of the O-1 zone shall be specifically assigned for use by employees only in the office building and shall be marked with signs posted to that effect.
5. The use of the parking spaces in the O-1 zone shall be limited to the hours of from 7 a.m. to 9 p.m. Monday through Friday, and on Saturdays from 9 a.m. to 5 p.m. At no time shall employee parking be permitted in the

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ZONING OFFICE

O-1 zones on Sundays. This restriction shall not preclude church parking on Sundays.

Petitioner respectfully submits that the above clarification language shown in bold and underlined comports with the testimony and evidence presented to the Zoning Commissioner and the intent of the September 8, 1989 Order. Therefore, Petitioner requests that the Order be amended accordingly.

Respectfully submitted,

Robert A. Hoffman
Robert A. Hoffman
Attorney for Petitioner

cc: Peoples Council
J. Markwood Harp, Sr.
for Self and Central
Presbyterian Church
408 Stevenson Lane
Towson, MD 21204

Richard P. Zeff, Esquire
for Rodgers Forge Community
Association
349 Old Trail
Baltimore, MD 21212

Craig W. Parker
515 Yarmouth Road
Towson, MD 21204

Patrick C. Dolan, Pres.
Wiltondale Improvement Assoc. Inc.
P.O. Box 10116
Towson, MD 21204

Dr. John Murray Smoot
406 Stevenson Lane
Towson, MD 21204

J. Clark Kelly
6213 Pinehurst Road
Baltimore, MD 21212

Arthur Kutcher
17928 Greenview Terr.
Towson, MD 21204

Bill Howanski
628 Hastings Road
Towson, MD 21204

Eileen C. Riley
623 Wilton Road
Towson, MD 21204

Carol Natale, Vice Pres.
634 Coventry Road
Towson, MD 21204

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES - NW/Corner York Road and Stevenson Lane (7300 York Road) : BEFORE THE ZONING COMMISSIONER
9th Election District : OF BALTIMORE COUNTY
4th Councilmanic District : Case No. 90-71-SPHA
York and Stevenson Ltd. Part. :
Petitioners :

AMENDED ORDER

WHEREAS, the Petitioners requested a special hearing to approve a use permit for business parking in an O-1 zone and a determination that amenity open space is not required in an O-1 zone containing parking but no building; or in the alternative, a variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space, in accordance with the plan submitted and identified as Petitioner's Exhibits 1 and 1A;

WHEREAS, by Order issued September 8, 1989 the use permit for business parking in an O-1 zone was granted subject to restrictions;

WHEREAS, the Petition for Special Hearing to approve a finding that amenity open space is not required in an O-1 zone containing parking but no building was DISMISSED;

WHEREAS, the Petition for Zoning Variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space was DISMISSED;

WHEREAS, subsequent to the issuance of the Order, Petitioner filed a Motion for Clarification and Amendment requesting certain clarifications in the Zoning Commissioner's Order issued September 8, 1989, consistent with the evidence produced and the findings of the Zoning Commissioner;

ORDER RECEIVED FOR FILING
Date By

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October, 1989 that the relief granted in the Order issued September 8, 1989 be and is hereby AMENDED, only to the extent set forth below:

- 1) The first line of Restriction No. 3 should read "The proposed office building is limited to medical or office space only."
- 2) The first two lines of Restriction No. 4 should read "The use permit for parking in the O-1 zone granted herein is limited to use by the office building only. The parking spaces along the north boundary of the O-1 zone shall be specifically assigned for use by employees only of the office building and shall be marked with signs posted to that effect."
- 3) Restriction No. 5 should read "The use of the parking spaces in the O-1 zone shall be limited to the hours of from 7:00 AM to 9:00 PM Monday through Friday, and on Saturdays from 9:00 AM to 5:00 PM. At no time shall employee parking be permitted in the O-1 zone on Sundays. This restriction shall not preclude church parking on Sundays."

IT IS FURTHER ORDERED that all other terms, conditions and restrictions contained in the original Order dated September 8, 1989 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs
cc: Robert A. Hoffman, Esquire, Attorney for Petitioners
210 Allegheny Avenue, Towson, Md. 21204
Keith R. Truffer, Esquire, Attorney for Protestants
102 W. Pennsylvania Avenue, Suite 600, Towson, Md. 21204
All Protestants
People's Counsel
File

ORDER RECEIVED FOR FILING
Date By

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES - NW/Corner York Road and Stevenson Lane (7300 York Road) : BEFORE THE ZONING COMMISSIONER
9th Election District : OF BALTIMORE COUNTY
4th Councilmanic District : Case No. 90-71-SPHA
York and Stevenson Ltd. Part. :
Petitioners :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a use permit for business parking in an O-1 zone and a determination that amenity open space is not required in an O-1 zone containing parking but no building; or in the alternative, a variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space, all as more particularly described in Petitioner's Exhibits 1 and 1A.

The Petitioners, by Robert E. Latshaw, Jr., General Partner, appeared, testified, and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitioners were: Bill Kirwin, Margie Prevot with R. A. Kinsley, Inc., Robert J. Smith a member of the Central Presbyterian Church, Ollie Mumpower with The Traffic Group, Inc., and J. Strong Smith with George W. Stephens, Jr. and Associates, Inc. The following persons appeared as Protestants: J. Markwood Harp, Sr. on behalf of himself and the Central Presbyterian Church, Richard D. Zeff, representing the Rodgers Forge Community Association, Craig W. Parker, Patrick C. Dolan, President, and Carol Natale, Vice President, on behalf of the Wiltondale Improvement Association, Inc., Dr. John Murray Smoot, J. Clark Kelly, Arthur Kutcher, Bill Howanski, and Eileen C. Riley. Messrs. Zeff, Parker, Dolan, and Harp, and Ms. Kelly and Mrs. Riley were designated as the spokespersons for the Protestants.

ORDER RECEIVED FOR FILING
Date By

Testimony indicated that the subject property, known as 7300 York Road, consists of 41,850 sq. ft. split zoned B.L.-C.N.S., O-1 and D.R. 5.5, and is improved with a two story office building containing 5,060 sq. ft. of floor area. Petitioners propose constructing a separate two story office building with parking underneath adjacent to the existing structure. The proposed building will be located entirely within the B.L. zoned portion of the site and used for medical office space only. Testimony indicated the proposed medical office building is permitted in the B.L. zone as a matter of right. It is also permitted as a matter of right in the O-1 zone which requires a minimum 20% amenity open space be provided. However, the proposed building will be constructed entirely within the B.L. zone which does not require amenity open space. Testimony indicated that the parking regulations as set forth in Section 409.6 through 409.9 require a minimum 4.5 parking spaces per each 1,000 sq. ft. of floor area for a medical office building. Although parking will be available underneath the new building as well as behind and alongside the structure, Petitioners still lack the required number of parking spaces in the B.L. zone only. Petitioners are therefore requesting the use permit for parking in the O-1 zone.

The Protestants are mainly opposed to access to the proposed site from a 16-foot gravel drive running along the west side of the property in the D.R. zone. Testimony indicated there is no access to the site from York Road. The Protestants complain that there will be more traffic in the area and further congestion at the intersection of Stevenson Lane and York Road which is controlled by a traffic signal. Further testimony indicated that employees and patrons of the subject property will further congest the area in attempting to make a left turn across Stevenson Lane

to reach York Road. The Protestants also expressed concern about the loss of trees and grass as a result of the proposed office building.

Pursuant to Section 409.8B.1 and 2 of the B.C.Z.R., the Zoning Commissioner may issue a use permit for parking on land which can be used residentially following a public hearing to determine whether or not such use would impact the surrounding community and providing certain conditions and requirements are met. Testimony and evidence presented at the hearing indicated that both the Petitioners and the Protestants agree that this particular area is made up of commercial, retail, and office uses along York Road, behind which are residential communities. Stevenson Lane serves as a main feeder route through these residential areas. Petitioner's Exhibit 1A indicates that to the north of the subject property is the Central Presbyterian Church, to the south is a Crown Gasoline Service Station, to the east across York Road from the site are office buildings and on the west side are residential properties.

It is clear that the B.C.Z.R. permits the use proposed in an O-1 zone by special exception and use permits for parking. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. While the Protestants argue that the proposed building use permit for parking will increase traffic congestion in the nearby residential communities, the fact remains that the Zoning Commissioner does not have the authority to deny the Petitioner the given right to develop the subject property in accordance with the zoning regulations. The B.L. zone permits numerous retail uses, including, but not limited to, retail shopping centers and

fast food restaurants which would surely generate more traffic congestion than that associated with the medical office use proposed. In the opinion of the Zoning Commissioner, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1A would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritte, 432 A.2d 1319 (1981).

The review of Petitioners' request is strictly limited to the use of this particular O-1 zoned strip of land to support the proposed medical office building in the B.L. zone. It is clear the proposed use meets the requirements of Section 409.8B.2A through G of the B.C.Z.R. In fact, Petitioners' request is a classic example of the purpose of use permits for parking. I understand that the Protestants do not want the proposed medical office building or any other office building on the subject property and that they want the O-1 zoned strip of land to remain as open space. However, I cannot legally require such use of the land in this instance. The requested use of the O-1 zoned land to support the proposed medical office building is consistent with uses in the area and the property's zoning classification, and as such, is consistent with the spirit and intent of the zoning regulations.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, it appears the requested use permit for parking should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of September, 1989 that the Petition for Special Hearing to approve a use permit for business parking in an O-1 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval and inclusion in the case file. Said landscaping shall include a minimum 3-foot high buffer of trees and shrubs along the northern boundary of the O-1 zone.

3) The proposed office building is limited to medical office space only. The Petitioners are prohibited from converting the subject building to any other use without a new public hearing to determine whether or not the use permit for parking in the O-1 zone shall continue in effect.

4) The use permit for parking in the O-1 zone granted herein is limited to use by the medical office building only. The parking spaces along the north boundary of the O-1 zone shall be specifically assigned for use by employees only of the medical office building and shall be marked with signs posted to that effect. Petitioners shall maintain records and upon request submit documentation to the Zoning Commissioner's Office of the names, addresses, and tag numbers of those employees who have been assigned parking spaces along the north boundary of the O-1 zoned parking area.

5) The use of the parking spaces in the O-1 zone shall be limited to the hours of from 7:00 AM to 9:00 PM Monday through Friday, and on Saturdays from 9:00 AM to 5:00 PM. At no time shall employee parking be permitted in the O-1 zone on Sundays.

6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a finding that amenity open space is not required in an O-1 zone containing parking but no building, be and is hereby DISMISSED as moot; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space, be and is hereby DISMISSED as moot.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:hjs

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for business parking in an O-1 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 823-4111
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Address
City and State
Towson, Maryland 21204 823-4111
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31 day of Aug, 1989, at 2:00 o'clock P.M.

NOT RECORDED

E.C.O.-No. 1

(over)

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a determination that amenity open space is not required in an O-1 zone containing parking but no building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 823-4111
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Address
City and State
Towson, Maryland 21204 823-4111
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31 day of Aug, 1989, at 9:30 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4B3 to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 823-4111
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Address
City and State
Towson, Maryland 21204 823-4111
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31 day of Aug, 1989, at 9:30 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1 1/2 HRS. + 1 HR.

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: JRH DATE 6-14-89 (over)

#530

Description of 31,538 Square Feet of Land,
Northwest Corner of York Road and
Stevenson Lane.

Beginning at a point in the north right-of-way line of Stevenson Lane and
in the west right-of-way line of York Road; thence leaving said point of beginning
and binding on the west right-of-way line of York Road

- 1) North 12° 01' 33" West 184.87 feet; thence leaving said right-of-way line
- 2) North 78° 37' 58" West 150.00 feet; thence
- 3) South 12° 01' 33" West 235.64 feet to a point in the north right-of-way
of Stevenson Lane; thence binding on said line
- 4) North 82° 44' 02" East 158.91 feet to the point of beginning.

This description is for zoning purposes only and is not intended
for use in the conveyancing of land.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th Date of Posting August 8, 1989
Posted for: Special Hearing & Variance
Petitioner: York & Stevenson Limited Partnership
Location of property: NW Corner of York and Stevenson Road
(7300 York Road)
Location of Sign: East end of 7300 York Road
Remarks: A. J. Haines Date of return: August 18, 1989
Posted by: A. J. Haines
Number of Signs: 2

CERTIFICATE OF PUBLICATIONTOWSON, MD., August 10, 1989

THIS IS TO CERTIFY, that the annexed advertisement was
published in TOWSON TIMES, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on August 10, 1989.

THE JEFFERSONIAN
TOWSON TIMES

Publisher

PO 15160
reg M31076
rs 90-71-SPHA
price \$114.34

BUREAU OF ENGINEERING
ENGINEERING RECORDS
01 - 712

DEPARTMENT BD OF APPEALS
BUDGET CODE 01-51-01

M
CODE

DATE 1 21 91 COST 1.30

NO.	ITEM	UNIT COST	TOTAL
	Blue Line Print		
1	Black Line Print	85	85
	Septa Vellum		
1	Camera Cards	45	45
	Copy Cards		
	Scaled Print		
	Mylar Print		

Remarks:

Requested by: Linda Kuzmaul

BALTIMORE COUNTY, MARYLAND No. 074547
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 9/1/89 ACCOUNT R-01-615-000
AMOUNT \$ 164.34
RECEIVED FROM: York & Stevenson Ltd Part
FOR: P.A.
B C13*****16434:2 601:F SPHA
VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME PINK-AGENCY YELLOW-CUSTOMER

BALTIMORE COUNTY, MARYLAND No. 077574
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10-19-89 ACCOUNT R-01-615-000
AMOUNT \$ 125.00 } 150
RECEIVED FROM: RUSSON, MURPHY, McLEOD & FEID
(L.L.M. R. TRUFFER)
FOR: APPEAL HEARING CASE # 90-71-SPHA
YORK & STEVENSON LTD PART
B C13*****15000:2 623:F
VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME PINK-AGENCY YELLOW-CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 8/11/89

York and Stevenson Limited Partnership
800 Fairmont Avenue
Towson, Maryland 21204

ATTN: ROBERT E. LATSHAW, JR.

Re: Petition for Special Hearing and Zoning Variance
CASE NUMBER 90-71-SPHA
N.C. York and Stevenson Road
7300 York Road
9th Election District - 4th Councilmanic
Petitioner(s): York and Stevenson Limited Partnership
HEARING SCHEDULED: THURSDAY, AUGUST 31, 1989 at 9:30 a.m.

Certification

Please be advised that \$ 164.34 is due for advertising and posting of
the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY
UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the
check and the sign & post set(s) to the Zoning Office, County Office Building,
111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)
minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there
will be an additional \$50.00 added to the above amount for each such set
not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: John S. Howard, Esq.
File

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3333 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

December 6, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 90-71-SPHA

YORK AND STEVENSON LTD. PART.
NW Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District
4th Councilmanic District

SPH - Business parking in 0-1 zone and
amenity open space not required in 0-1
zone w/parking but no building;

OR IN ALTERNATIVE:

VAR - 5% open space in lieu of required 20%

9/8/89 - Z.C.'s Order GRANTING Petitions with
restrictions.

10/19/89 - Z.C.'s Amended Order revising restrictions
1, 2, and 3.

ASSIGNED FOR: TUESDAY, MAY 22, 1990 at 10:00 a.m.

cc: Keith R. Truffer, Esquire Counsel For Mr. Richard Jeff and Rodgers Forge
Community, Inc./Appellants

Richard D. Zeff
The Rodgers Forge Comm., Inc.
People's Counsel for Baltimore County Appellants
Robert E. Latshaw, Jr.
(York & Stevenson Ltd. Partnership) Petitioner
Robert A. Hoffman, Esquire Counsel for Petitioner
Bill Kirwin
Margie Prevot - R.A. Kinaley, Inc.
Barbara Ramsey - Towson Times
Robert J. Smith - Central Presbyt. Church
Ollie Mumpower - The Traffic Group
J. Strong Smith - G.W. Stephens, Jr.
J. Markwood Harp, Sr.
Craig W. Parker
Patrick C. Dolan
Carol Natale
Bob Howanski
Arthur Kutcher
Eileen C. Riley
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz

W. Carl Richards, Jr.
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3333 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

December 6, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL
BILL NO. 59-79.

CASE NO. 90-71-SPHA

YORK AND STEVENSON LTD. PART.
NW Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District
4th Councilmanic District

SPH - Business parking in 0-1 zone and
amenity open space not required in 0-1
zone w/parking but no building;

OR IN ALTERNATIVE:

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9/8/89 - Z.C.'s Order GRANTING Petitions with
restrictions.

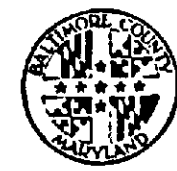
10/19/89 - Z.C.'s Amended Order revising restrictions
1, 2, and 3.

ASSIGNED FOR: TUESDAY, MAY 22, 1990 at 10:00 a.m.

cc: Keith R. Truffer, Esquire Counsel For Mr. Richard Jeff and Rodgers Forge
Community, Inc./Appellants

Richard D. Zeff
The Rodgers Forge Comm., Inc.
People's Counsel for Baltimore County Appellants
Robert E. Latshaw, Jr.
(York & Stevenson Ltd. Partnership) Petitioner
Robert A. Hoffman, Esquire Counsel for Petitioner
Bill Kirwin
Margie Prevot - R.A. Kinaley, Inc.
Barbara Ramsey - Towson Times
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Patrick C. Dolan
Carol Natale
Bob Howanski
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P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz

W. Carl Richards, Jr.
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
1111 W. CHESAPEAKE AVE., 7TH FLOOR
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

February 1, 1990

NOTICE OF POSTPONEMENT REASSIGNMENT AND CONSOLIDATION

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-71-SPHA YORK AND STEVENSON LTD. PART., NW/corner York Rd. and Stevenson La. (7300 York Rd.); 9th Election District; 4th Councilmanic District

SPH - Business parking in O-1 zone and amenity open space not required in O-1 zone w/parking but no building; OR IN THE ALTERNATIVE:

VAR - 5% open space in lieu of required 20%
9/8/89 - Z.C.'s Order GRANTING Petitions with restrictions.
10/19/89 - Z.C.'s Amended Order revising restrictions 1, 2 and 3.

AND

CASE NO. CBA-89-191 LATSHAW PROPERTY

RE: CRG Decision
11/22/89 - CRG Meeting wherein the Plan was approved.

Case No. 90-71-SPHA which was scheduled for May 22, 1989 has been POSTPONED at the request of Counsel for Petitioner and has been CONSOLIDATED with Case No. CBA-89-191 and both are now scheduled for hearing and have been

ASSIGNED FOR: WEDNESDAY, JUNE 27, 1990 at 10:00 a.m.

cc: Keith R. Truffer, Esquire Counsel for Mr. Richard Zeff and RFG, Inc./Appellants
Richard D. Zeff Appellant
The Rodgers Forge Comm., Inc. Economic Dev. Comm.
People's Counsel for Balto. Co. Director of Planning
Robert E. Latshaw, Jr. Petitioner Current Planning
Robert & Stevenson Ltd. Part.) Counsel for Petitioner
Robert A. Hoffman, Esquire
Mr. Bill Kirwin
Ms. Margie Prevot
Ms. Barbara Ramsey
Mr. Robert J. Smith
Mr. Ollie Mumpower
J. Strong Smith
J. Markwood Harp, Sr.
Mr. Craig W. Parker
Mr. Patrick C. Dolan
Ms. Carol Natale
Mr. Bob Howanski
Mr. Arthur Kutcher
Ms. Eileen C. Riley
Michael P. Tanczyn, Esquire Counsel for Wiltondale Impr. Assoc./Appellants
LindaLee M. Kuszmaw - Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg

August 21, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-89-191

LATSHAW PROPERTY

RE: CRG Decision
11/22/89-CRG Meeting wherein the Plan was approved.

AND

CASE NO. 90-71-SPHA

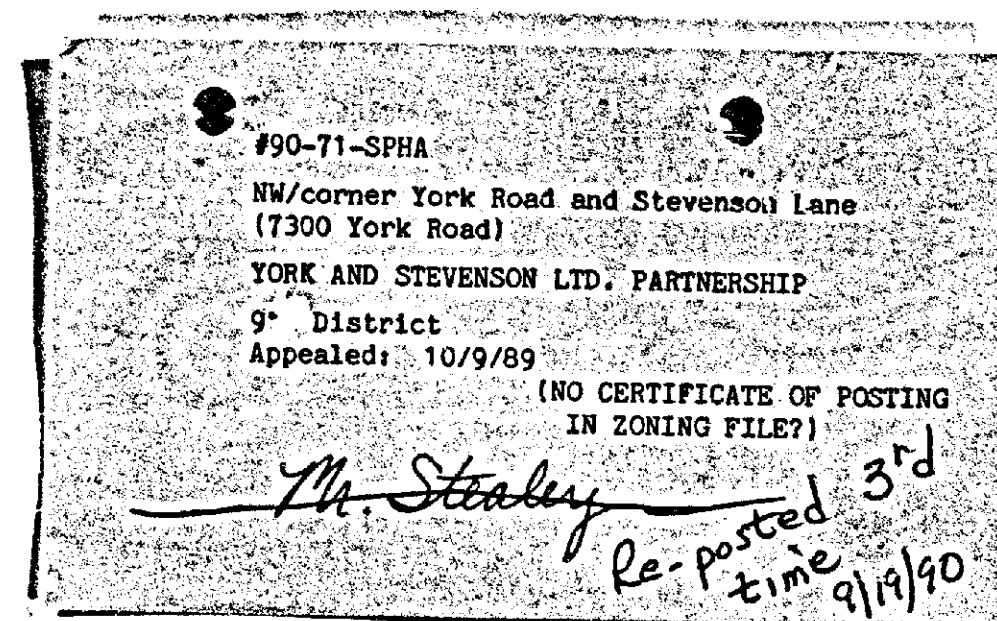
YORK & STEVENSON LTD. PART.
NW/cor York Rd. & Stevenson La. (7300 York Rd.); 9th Election District
4th Councilmanic District

SPH - Business parking in O-1 zone and amenity open space not required in O-1 zone w/parking but no bldg.

9/8/89 - Z.C.'s Order GRANTING Petitions with restrictions.
10/19/89 - Z.C.'s Amended Order revising restrictions 1, 2 and 3.

ASSIGNED FOR: WEDNESDAY, NOVEMBER 27, 1991 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Petitioner
Robert E. Latshaw, Jr. (York & Stevenson Ltd. Part.) Appellants
People's Counsel for Baltimore County Appellants
Michael P. Tanczyn, Esquire Counsel for Appellants (CRG)
Latshaw Commercial Properties, Mr. Robert J. Smith
Mr. Ollie Mumpower, Mr. Bill Kirwin, Ms. Margie Prevot
Ms. Barbara Ramsey, J. Strong Smith, J. Markwood Harp, Sr.
Mr. Craig W. Parker Mr. Patrick C. Dolan
Ms. Carol Natale Mr. Bob Howanski
Mr. Arthur Kutcher Ms. Eileen Riley
Developers Eng. Div., Economic Dev. Comm., Director of
Planning, Current Planning, Robert E. Covahey, David L. Thomas
Jose H. Escalante, J. Robert Haines, Timothy M. Kotroco, James
E. Dyer, W. Carl Richards, Jr., Docket Clerk Zoning, Arnold
Jablon-Director of Zoning Administration, Nancy C. West, Asst.
County Attorney
LindaLee M. Kuszmaw
Legal Secretary



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1989

John E. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 530, Case No. 90-71-SPHA
Petitioner: York and Stevenson Limited
Petition for Special Hearing and
Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
James E. DYER
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Robert E. Latshaw, Jr.
York and Stevenson Limited Partnership
600 Fairmount Avenue
Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Zoning Advisory Committee Date: June 21, 1989

FROM: Robert W. Bowling, P.E.

SUBJECT: Item #530 - Latshaw et al Property

Location: 7300 York Road

GENERAL COMMENTS:

The State Department of the Environment Construction Permits for each private utility (water and sanitary sewer) totaling over 400 feet in length will be obtained through the Baltimore County Department of Public Works.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

In accordance with Bill No. 56-82, dredging, filling or construction in any wetland is prohibited.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

HIGHWAY COMMENTS:

Stevenson Lane is an existing County road. No improvements are necessary.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Item #530 - Latshaw et al Property
Page 2
June 21, 1989

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deed in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1" = 200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

WATER AND SANITARY SEWER COMMENTS:

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

Water mains outside of public rights-of-way serving a proposed site improvement are considered private and shall be the Developer's full responsibility for construction and maintenance.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

Item #530 - Latshaw et al Property
Page 3
June 21, 1989

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

The Developer shall contact Mr. Carlyle Brown of the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

RWB:pab

cc: File

LATSHAW/XTXMEM01

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989



RECEIVED
AUG 3 1989
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 493, 511, 513, 516, 517, 519, 520, 521, 522, 524, 528, 529, 530, 531, 532, and 533.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MICROFILMED

MSF/lab



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 26, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
York & Stevenson Limited
Partnership
Zoning Meeting of 6-13-89
W/S York Road (MD 45)
and Stevenson Lane
(Item #5307)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve a use permit for business parking in an O-1 zone, we find the plan must be revised to show a future 80' right of way on York Road.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw

cc: G.W. Stephens Jr. & Assoc., Inc.
Mr. J. Oyle

RECEIVED
JUL 21 1989
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax Number 333-1041)
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 14, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Hammock
County Executive

RE: Property Owner: YORK AND STEVENSON LIMITED PARTNERSHIP
Location: #7300 YORK ROAD
Item No.: 530 Zoning Agenda: JUNE 13, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Cap. Tim Bue* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

JUN 14 1989

JUN 15 1989

RECEIVED
JUN 15 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: August 28, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: York and Stevenson Ltd. Partnership, Item 530
Zoning Petition No. 90-71-SPHA

The petitioners request a Special Hearing to approve a use permit for business parking in an O-1 zone; a determination if amenity open space is not required in an O-1 zone containing parking but no building; and to permit 5% amenity open space in an O-1 zone in lieu of the required 20% amenity open space.

In reference to this request, staff offers the following comments:

- The proposed structure should be compatible with existing buildings along York Road, maintaining a consistent setback with the church and the office building next door.
- The elevation between the proposed and existing buildings should be compatible.

Prior to a decision by the Zoning Commissioner, the Director of the Office of Planning and Zoning or his designee should review the architectural drawing for the proposed building.

- On the front portion of the subject property near the proposed building are two mature oak trees which should be saved.
- In addition, the area between the church and the proposed parking lot contains a mature buffer area which will be removed.

The new structure will significantly alter the character of the immediate residential area. Staff would suggest a site plan similar to the attached plan provided by OPZ.

28 AUG 28 1989

AUG 28 1989

90-71-SPHA
Page Two
August 28, 1989

Staff would be willing to support any variances required to develop a building similar in size and scale to that proposed by staff. However, staff does not support any of the variances proposed by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/se

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Al Wirth - SWM
Bob Bowling - Dev. Eng.
Frank Fisher - Current Planning
Rahim Fanelli - Traffic Engineering
Larry Pilon - DEPRM
Dave Flowers - Critical Areas
Capt. Kelly - Fire Department
Pat Kincer - Rec. & Parks
Larry Brocato - SHA
Rocky Powell - EIRS
FROM: Peter A. Paff
Bureau of Public Services
SUBJECT: Previously Approved C.R.G. - Refinement - 7/2/90

LATSHAW PROPERTY

Please review the attached for concurrence with current development regulations to allow for a refinement of a previously approved C.R.G. plan. Kindly return this cover letter with your comments and the attached print.

(SEE OTHER SIDE FOR COMMENTS)

PAP
Attachment
cc: File

RECEIVED

LATSHAW PROPERTY
Planning #IX-546

C.R.G. Plan Refinement
Plan Date: 7/6/90
Comments Date: 8/21/90

The zoning hearing and C.R.G. plans have been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify details necessary in order to determine compliance with these requirements. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts (whether previously identified or not) well in advance of any expected final zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning requirements, restrictions and details must be addressed on the C.R.G. plan. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous and any possible future public hearing requests:

Include the amended Order and restrictions in Zoning Case #90-71-SPHA, along with the Board of Appeals Order in CBA-89-191 on the plan. Include the dates of the Orders, what was requested, granted or denied and list and include compliance with any restrictions.

The Zoning Commissioner has reviewed the revised plan (dated 7/6/90) parking area changes and has determined that the dumpster must be relocated (out of the O-1 zone). The other parking layout changes have been determined to within the spirit and intent on the approved plan in Zoning Case #90-71-SPHA. (See last paragraph of these comments.)

The Board of Appeals Order states that more than 5,060 sq. ft. of office space exists in the building. Conflicting figures of 10,003 sq. ft. and 11,464 sq. ft. are shown on this refinement plan in notes #5 and #6 and the floor area breakdown. (The additional medical office is shown as 11,658 sq. ft. on the approved hearing plan and 11,464 sq. ft. on this refinement plan. All of these conflicting figures must be clarified and all calculations (including use, sq. ft., parking) must be corrected before Zoning can approve this plan. Show all square footage of use areas, general office/medical office by floor and building on the plan.

LATSHAW PROPERTY
PAGE 2

In order to subtract the sq. ft. from the parking requirements, note on the plan that the new building/atrium area is not leasable or to be occupied by individual tenants; otherwise, this area must be included for parking. Remove the 7 parallel spaces from the north side of the building to allow for the required 22 ft., 90 degree parking aisle and adjust parking aisles accordingly. Note compliance with the transit adjustment requirements (S.409.6-B.1). Show distance to transit stop to pedestrian entrance to building and note peak/period headway of 20 minutes or better. Show, label and dimension loading areas required by S.409.11. These areas are not permitted in the O-1 zone parking area.

SIGNS -- Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413.2 and .6 (in the B.L. zone) (B.C.Z.R.) and all zoning sign policies or a zoning variance is required.

Final zoning approval is contingent first; upon approval by the Board of Appeals of this revised plan since this case is still being held by the Board, upon all plan comments being addressed on the C.R.G. plan; and third, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Compliance with all previous C.R.G. comments is required.

John L. Lewis
JOHN L. LEWIS
PLANNING & ZONING ASSOCIATE III

JLL:scj

cc: Frank Fisher, Current Planning
Waiver File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM
Mr. Powell / EIRD
Mr. Pilon / WES
Mr. Flowers / CBA
Mr. Fisher / Planning
Mr. Richards / Zoning
Mr. Bowling / DEPRM
Mr. Fanelli / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec. & Parks
Mr. Brocato / SHA
Mr. Butcher / C&P
DATE: April 12, 1991

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 9C4
Project Name: York Stevenson Ltd. Ptn.
Project No.: 89181
Engineer: Stephens
Phone No.: 825-8120

ACTION REQUESTED:
CRG Plan Review (Waiving Waived) :
CRG Plan Refinement Review :XX
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Paraphrase Minor CRG Plan Review :
Minor Subdivision Review :

Please review the attached plan for compliance with current regulations and return comments to our office by 5-3-91. If you have no comments or do not need to review this plan, please indicate by placing your initials here.

Thank you for your attention to our request.

SDW:sdw
cc: File

To: John L.
4/17/91 ucr

YORK STEVENSON LIMITED PARTNERSHIP

Red-Lined CRG Waiver Plan Refinement
Plan Date: 3/26/91
Comments Due: 5/3/91
Comments Date: 4/25/91
Comments Typed: 4/26/91

A copy of this red-lined plan with a signature approval block must be delivered to the Zoning Commissioner for review. The signature block must state "THIS PLAN WITH THE FOLLOWING CHANGES (list changes) FROM EXHIBIT #1 IN ZONING CASE #90-71-SPHA HAS BEEN FOUND TO BE WITHIN THE SPIRIT AND INTENT OF THE PLAN AND ZONING ORDER."

Zoning Commissioner Date

This plan is being returned to Public Services with these comments.

Any requests for further information from the Zoning Office must include a reference to the waiver plan refinement and written correspondence or revised plans must be accompanied by a copy of these comments.

[Signature]
JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning File - #90-71-SPHA +
Waiver File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 11, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District, 4th Councilmanic District
YORK AND STEVENSON LTD. PART. - Petitioners
Case No. 90-71-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 9, 1989 by Keith R. Truffer, Attorney on behalf of Protestants - Richard D. Zeff and The Rodgers Forge Community, Inc. c/o Edward J. Gillis, President. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert E. Latashaw, Jr., York and Stevenson Limited Partnership
600 Fairmount Avenue, Towson, MD 21204

Robert A. Hoffman, Esquire, - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21204

Bill Kirwin, 28E Susquehanna Avenue, Towson, MD 21204

Margie Prevot, R. A. Kinsley, Inc.
R.D. # 8, Box 232, York, PA 17403

Appeal Checklist - Case No. 90-71-SPHA
YORK AND STEVENSON LTD. PART. - Petitioner
October 11, 1989
Page 2

Robert J. Smith, Central Presbyterian Church
7308 York Road, Towson, MD 21204

Ollie Mumpower, The Traffic Group
44 E. Joppa Road, Suite 306, Towson, MD 21204

J. Strong Smith, G. W. Stephens, Jr., 658 Kenilworth Dr.
203 Allegheny Avenue, Towson, MD 21204

J. Markwood Harp, Sr., 408 Stevenson Lane, Towson, MD 21204

Keith R. Truffer - Royston, Mueller, McLean & Reid
Suite 600, 102 West Pennsylvania Avenue, Towson, MD 21204-4575

Richard D. Zeff, 349 Old Trail, Baltimore, MD 21212

The Rodgers Forge Community, Inc. c/o Edward J. Gillis, President
7032 Heathfield Road, Baltimore, MD 21212

Craig W. Parker, 515 Yarmouth Road, Towson, MD 21204

Patrick C. Dolan, P.O. Box 10116, Towson, MD 21204

Carol Natale, 643 Coventry Road, Towson, MD 21204

Bob Howanski, 629 Hastings Road, Towson, MD 21204

Arthur Kutcher, 17928 Greenview Terrace, Towson, MD 21204

Eileen C. Riley, 623 Wilton Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nasterowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 18, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing (and Variance)
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District, 4th Councilmanic District
YORK AND STEVENSON LTD. PART. - Petitioners
Case No. 90-71-SPHA

Dear Board:

Please be advised that an appeal of the Special Hearing portion only of above-referenced case was filed in this office on October 9, 1989 by Keith R. Truffer, Attorney on behalf of Protestants - Richard D. Zeff and The Rodgers Forge Community, Inc. c/o Edward J. Gillis, President. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert E. Latashaw, Jr., York and Stevenson Limited Partnership
600 Fairmount Avenue, Towson, MD 21204

Robert A. Hoffman, Esquire, - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21204

Bill Kirwin, 28E Susquehanna Avenue, Towson, MD 21204

Appeal Cover Letter - Case No. 90-71-SPHA
YORK AND STEVENSON LTD. PARTNERSHIP - Petitioner
October 11, 1989
Page 2

Barbara Ramsey, Towson Times
409 Washington Boulevard, Towson, MD 21204

Robert J. Smith, Central Presbyterian Church
7308 York Road, Towson, MD 21204

Ollie Mumpower, The Traffic Group
44 E. Joppa Road, Suite 306, Towson, MD 21204

J. Strong Smith, G. W. Stephens, Jr.
303 Allegheny Avenue, Towson, MD 21204

J. Markwood Harp, Sr., 408 Stevenson Lane, Towson, MD 21204

Keith R. Truffer - Royston, Mueller, McLean & Reid
Suite 600, 102 West Pennsylvania Avenue, Towson, MD 21204-4575

Richard D. Zeff, 349 Old Trail, Baltimore, MD 21212

The Rodgers Forge Community, Inc. c/o Edward J. Gillis, President
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Eileen C. Riley, 623 Wilton Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Appeal Cover Letter - Case No. 90-71-SPHA
YORK AND STEVENSON LTD. PARTNERSHIP - Petitioner
October 11, 1989
Page 2

Margie Prevot, R. A. Kinsley, Inc.
R.D. # 8, Box 232, York, PA 17403

Barbara Ramsey, Towson Times
409 Washington Boulevard, Towson, MD 21204

Robert J. Smith, Central Presbyterian Church
7308 York Road, Towson, MD 21204

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Richard D. Zeff, 349 Old Trail, Baltimore, MD 21212

The Rodgers Forge Community, Inc. c/o Edward J. Gillis, President
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Eileen C. Riley, 623 Wilton Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing (and Variance)
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District - 4th Councilmanic District
YORK AND STEVENSON LTD. PART. - Petitioner
Case No. 90-71-SPHA

Petitions for Special Hearing ✓

Description of Property ✓

Certificate of Posting (Not found in file)

Certificate of Publication ✓

Entry of Appearance of People's Counsel ✓

Zoning Plans Advisory Committee Comments ✓

Director of Planning & Zoning Comments ✓

Petitioner's Exhibits: 1. and 1A. (MISSING) Plates to accompany Petition ✓

2. Photographs of intersection of York and Stevenson Roads ✓

3. CRG Plan ✓

4. Qualifications of Ollie K. Mumpower, Jr. - ✓
The Traffic Group, Inc.

Protestant's Exhibits: 1. and 2. Photographs of location ✓

3. List of oppositions from Markwood Harp ✓

Zoning Commissioner's Order dated September 8, 1989 (Granted with ✓
restrictions) 10/14/89 - Chabot
20's Amended Order dated 10/19/89 - Amended - 10/19/89 - 10/19/89
Notice of Appeal received October 9, 1989 from Keith R. Truffer, ✓
Attorney on behalf of Mr. Richard D. Zeff and The Rodgers Forge ✓
Community, Inc. c/o Edward J. Gillis, President. 10/19/89 - 10/19/89
Notice of Appeal received 10/19/89 from People's Counsel ✓
Amended Appeal received 11/14/89 from P.C.

cc: Robert E. Latashaw, Jr., York and Stevenson Limited Partnership
600 Fairmount Avenue, Towson, MD 21204

Robert A. Hoffman, Esquire, - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21204

Bill Kirwin, 28E Susquehanna Avenue, Towson, MD 21204

Margie Prevot, R. A. Kinsley, Inc.
R.D. # 8, Box 232, York, PA 17403

Barbara Ramsey, Towson Times
409 Washington Boulevard, Towson, MD 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 24, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District, 4th Councilmanic District
YORK AND STEVENSON LTD. PART. - Petitioners
Case No. 90-71-SPHA

Dear Board:

Please be advised that a second appeal of the above-referenced case was filed in this office on October 6, 1989 by People's Counsel for Baltimore County. All materials relative to the case were previously forwarded along with the first appeal request from Keith Truffer.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Robert E. Latashaw, Jr., York and Stevenson Limited Partnership
600 Fairmount Avenue, Towson, MD 21204

Robert A. Hoffman, Esquire, - Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, Maryland 21204

Bill Kirwin, 28E Susquehanna Avenue, Towson, MD 21204

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OCT 24 1989
COUNTY CLERK

Appeal Cover Letter - Case No. 90-71-SPHA
YORK AND STEVENSON LTD. PARTNERSHIP - Petitioner
October 24, 1989
Page 2

Margie Prevot, R. A. Kinsley, Inc.
R.D. # 8, Box 232, York, PA 17403

Barbara Ramsey, Towson Times
409 Washington Boulevard, Towson, MD 21204

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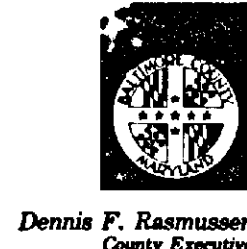
Eileen C. Riley, 623 Wilton Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

December 6, 1989



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
NW/Corner York Road and Stevenson Lane
(7300 York Road)
9th Election District, 4th Councilmanic District
YORK AND STEVENSON LIMITED PARTNERSHIP, Petitioner
Case No. 90-71-SPHA

Dear Board:

Please be advised that an amended appeal of the above-referenced case was filed in this office on November 14, 1989 by People's Counsel for Baltimore County. All materials relative to the case have been previously forwarded to your office.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:ucj

cc: Robert E. Latshaw, Jr. - York & Stevenson Limited Partnership
600 Fairmount Avenue, Towson, MD 21204

Robert A. Hoffman, Esquire - Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, MD 21204

Bill Kirwin, 28E Susquehanna Avenue, Towson, MD 21204

COUNTY RECEIVED
DEC 6 1989
FBI-353

Appeal Cover Letter - Case No. 90-71-SPHA
YORK AND STEVENSON LTD. PARTNERSHIP, Petitioner
December 6, 1989
Page 2

Margie Prevot - R.A. Kinsley, Inc.
R.D. #8, Box 232, York, PA 17403

Barbara Ramsey - Towson Times
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Eileen C. Riley, 623 Wilton Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

12/6/89 - Following parties notified of hearing set for May 22, 1990 at 10:00 a.m.:

Keith R. Truffer, Esq.
Richard D. Zeff
The Rodgers Forge Comm., Inc.
People's Counsel
Robert E. Latshaw, Jr.
Robert A. Hoffman, Esq.
Bill Kirwin
Margie Prevot
Barbara Ramsey
Robert J. Smith
Ollie Mumpower
J. Strong Smith
J. Markwood Harp, Sr.
Craig W. Parker
Patrick C. Dolan
Carol Natale
Bob Howanski
Arthur Kutcher
Eileen C. Riley

P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
W. Carl Richards, Jr.
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon

2/01/90 - Postponement requested by Counsel for Developer; wedding scheduled for 5/20/90; request reschedule date after June 7, 1990; also, by telephone confirmed request to consolidate with CRG appeal CBA-89-191, Latshaw Property.

2/1/90 - Notice of Postponement, Reassignment and Consolidation sent to above parties notifying them of hearing scheduled for June 27, 1990 at 10:00 a.m. and of consolidation with Case No. CBA-89-191 both to be heard at 10:00 a.m.

6/29/90 - Ruling on Motion to Remand to the CRG - GRANTED in Case No. CBA-89-191 (Latshaw Property). To be set in at request of Counsel.

12/11/90 - Above parties notified of hearing set for April 24, 1991 with Case No. CBA-89-191 (Latshaw Property) to start at 10:00 a.m. with 90-71-SPHA immediately following.

4/15/91 - Letter from M. Tanczyn, counsel for Wiltontale Improvement Assn, Eileen Riley, and "other protestants whom I may represent" advising Board of agreement reached with York & Stevenson, voluntarily dismissing appeal in CBA-89-191 (CRG appeal).

4/24/91 - Meeting between Board, P. Friedman, R. Hoffman, and M. Tanczyn; matter continued on record; to be set in upon request by Counsel (R. Hoffman to contact Board when date needed).

8/21/91 - Above parties notified of hearing set for November 27, 1991 at 10:00 a.m.

11/27/91 - PC w/d appeal in Zoning case on record; Opinion to be fd; CRG appeal dismissed by Tanczyn on behalf of clients and request for dismissal and inclusion of agreement of parties renewed by letter dated November 11, 1991.

IN RE * BEFORE THE BOARD OF APPEALS

PETITION FOR SPECIAL HEARING * OF BALTIMORE COUNTY
AND ZONING VARIANCE *
NW/Corner York Road and
Stevenson Lane (7300 York Rd.) *
9th Election District *
4th Councilmanic District *

YORK AND STEVENSON LIMITED * Case No. 90-71-SPHA
PARTNERSHIP, Petitioner. * Case No. CBA-89-191

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, June 27, 1990 to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

PATRICK KELLER
Office of Planning & Zoning
401 Bosley Avenue
Towson, Maryland 21204

and to bring with him his files concerning the subject property.

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

90 JUN 27 PM 2:16
COUNTY BOARD OF APPEALS
RECEIVED

IN RE * BEFORE THE BOARD OF APPEALS

PETITION FOR SPECIAL HEARING * OF BALTIMORE COUNTY
AND ZONING VARIANCE *
NW/Corner York Road and
Stevenson Lane (7300 York Rd.) *
9th Election District *
4th Councilmanic District *

YORK AND STEVENSON LIMITED * Case No. 90-71-SPHA
PARTNERSHIP, Petitioner. * Case No. CBA-89-191

SUBPOENA DUCES TECUM

SECRETARY, please issue a Subpoena for the following person to appear and testify before the Board of Appeals of Baltimore County on Wednesday, June 27, 1990 to testify for the Protestants before the Board of Appeals, County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland, 21204

RAHIN FAMILI
Office of Traffic Engineering
401 Bosley Avenue
Towson, Maryland 21204

and to bring with him his files concerning the subject property.

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone (301) 296-8823

90 JUN 27 PM 2:16
COUNTY BOARD OF APPEALS
RECEIVED



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3100
December 18, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case Nos. CBA-89-191 (Latshaw Property) and 90-71-SPHA
(York & Stevenson Ltd. Part.)

Dear Mr. Hoffman:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Andalee M. Kuszmaul
Andalee M. Kuszmaul
Legal Secretary

Enclosure

cc: Robert E. Latshaw, Jr. - York & Stevenson Ltd. Part.
People's Counsel for Baltimore County
Michael P. Tanczyn, Esquire - Latshaw Commercial Properties
Mr. Robert J. Smith - Mr. Ollie Mumpower
Mr. Bill Kirwin - Ms. Margie Prevot
Ms. Barbara Ramsey - J. Strong Smith
J. Markwood Harp, Sr. - Mr. Craig W. Parker
Mr. Patrick C. Dolan - Ms. Carol Natale
Mr. Bob Howanski - Mr. Arthur Kutcher
Ms. Eileen Riley - P. David Fields
Pat Keller - Lawrence E. Schmidt
Timothy M. Kotroco - James E. Dyer
W. Carl Richards, Jr. - Docket Clerk - Zoning
Arnold Jablon, Director - Zoning Administration
Current Planning - Economic Development Commission
Developers Engineering Division - Robert E. Covahey
David L. Thomas - Jose H. Escalante
Nancy C. West, Esquire

County Board of Appeals of Baltimore County
ROOM 315, COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

RECEIVED

ST-CLASS

PM 12/20/91 BALTIMORE, MD 21204

Mr. Arthur Kutcher
17928 Greenview Terrace
Towson, MD 21204

bbbbbbaaaabbaabbaa



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-8842188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

August 8, 1991

The Honorable
William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: York & Stevenson Ltd. Partnership,
Petitioner, Case No. 90-71-SPHA

Dear Chairman Hackett:

This is in response to Robert A. Hoffman's letter of August 5, 1991, in which he states that if Wiltondale Improvement Association withdraws its appeal, "This would result in the withdrawal of all appeals in this matter." This is not accurate.

The original Zoning Commissioner decision Order was issued September 8, 1989, and People's Counsel entered its appearance and filed a timely Notice of Appeal October 6, 1989. On October 19th, the Zoning Commissioner amended his Order and on November 14, 1989, People's Counsel filed a timely Amended Notice of Appeal. People's Counsel has never withdrawn its appeal in this matter. Therefore, if this case is set in for hearing, there should be ample time allowed for People's Counsel to present all of its witnesses. There is nothing in this record to suggest nor has there ever been any agreement that People's Counsel would limit testimony to the issue as described by Mr. Hoffman.

Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: Robert A. Hoffman, Esquire
Michael P. Tanczyn, Esquire
Mrs. Jean Duvall

PCF:ah



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 8, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Zoning Verification
York Stevenson Limited Partnership
7300 York Road
Zoning Case #90-71-SPHA
9th Election District

Dear Mr. Hoffman:

Thank you for your letter of July 12, 1996 to Arnold Jablon, Director of Permits and Development Management, regarding the above referenced property. This correspondence has been referred to me for reply.

Your request is that the director consider and confirm that the March 29, 1996 (amended) Restrictive Covenant Agreement and CRG plan refinement are consistent with the spirit and intent of the County Board of Appeal's order. After reviewing the original agreement and CRG plan, the revised agreement and amended CRG plan, the letter of October 5, 1996 by Lucy P. Meyer, President of the Wiltondale Improvement Association, which indicates that the association has approved all revisions, the zoning office has considered those amendments to be within the scope of the Board's order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman
Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case #90-71-SPHA
Board of Appeals

Enclosure

Printed with permission from
the Maryland State Archives

Petitioner's Exh. 1 } Zoning
" " 3 } Commissioners

90-71-SPHA

2/12/90

John P. Lashaw

*Returned
2/13/90
Law*

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 883-4111
FAX (301) 883-0147

RICHARD H. VENABLE (1838-1901)
EDWIN C. BAETJER (1888-1941)
CHARLES H. HOWARD (1870-1941)

February 1, 1990

WRITER'S DIRECT NUMBER IS
301-494-9162

William T. Hackett, Chairman
Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 90-71-SPHA
York and Stevenson Ltd., Partnership, Petitioner

Dear Mr. Hackett:

The referenced case is scheduled for hearing on May 22, 1990. As my Nuptials will be on May 20, I respectfully request a continuance to the next available hearing date following my return from the honeymoon on June 7, 1990.

Thank you for your attention to this matter.

Sincerely,

Robert A. Hoffman
Robert A. Hoffman

RAH:ens

cc: Keith R. Truffer, Esquire
Richard D. Zeff
Michael Tanczyn, Esquire
People's Counsel
Robert E. Lashaw, Jr.

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 883-4111
FAX (301) 883-0147

December 6, 1990

WRITER'S DIRECT NUMBER IS
494-9162

ROBERT A. HOFFMAN

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Lashaw Property; Northwest corner of York Road and
Stevenson Lane
Case Nos. CBA-89-191; 90-71-SPHA

Dear Mr. Hackett:

As you may know, the Board of Appeals remanded on June 29, 1990, the matter referenced above for further CRG review. (A copy of the Ruling and Order is attached.) The plan for this project has now been approved by the CRG in accordance with the June 29, 1990 Ruling and Order. Accordingly, please schedule a hearing date in the CRG, Special Hearing, and Variance cases referenced above.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/jhw
cc: Phyllis C. Friedman, Esquire
Michael P. Tanczyn, Esquire

IN THE MATTER OF

LATSHAW PROPERTY
NORTHWEST CORNER OF YORK ROAD AND
AND STEVENSON LANE
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
RE: CRG DECISION
(Also referencing Zoning
Case No. 90-71-SPHA)

BEFORE THE

COUNTY BO
OF
BALTIMORE

RULING ON MOTION

This matter comes before the Board as a consolidation of two appeals arising from the proposed development of the subject property located on the corner of Stevenson Lane and York Road owned by the Petitioner/Developer, York & Stevenson Ltd. Partnership. Specifically, before the Board is an appeal of the decision of the County Review Group (hereinafter "CRG") dated November 22, 1989 which approved the plan for development. That appeal was consolidated with an appeal from the decision of the Zoning Commissioner dated September 8, 1989 as amended on October 19, 1989, which granted the Developer's Petition for Special Hearing (Case No. 90-71-SPHA).

At the hearing before the Board, several witnesses on behalf of the Developer testified. It was their uncontradicted testimony that the proposed development would encompass the continued office use of a structure now existing and in use on the property and the construction of a second office building to house medical offices. Further, the proposed plan was clear that the existing building contained 5,060 square feet of office use. There was no evidence that the Developer intended to restrict future office use to that footage. In fact, it was suggested that office use would continue to the same extent as now being exercised.

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 883-4111
FAX (301) 883-0147

August 5, 1991

WRITER'S DIRECT NUMBER IS
494-9162

ROBERT A. HOFFMAN

William T. Hackett, Chairman
Michael B. Sauer, Esquire
County Board of Appeals for
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: York/Stevenson Limited Partnership,
Appellee
Case Nos.: CBA-89-191, 90-71-SPHA

Dear Chairman Hackett:

As you may recall, the appellant in the above-referenced CRG case, Wiltondale Improvement Association, agreed to withdraw its appeal consistent with the attached letter from Mike Tanczyn, counsel to the Association. This would result in the withdrawal of all appeals in this matter. However, People's Counsel, who had entered their appearance in Zoning Case No. 90-71-SPHA, requested that the Board hear testimony from witnesses regarding an Agreement between the Appellee and the Rodgers Forge Community Association on April 24, 1991.

At that time I requested a continuance until I notified the Board, in writing, to reschedule the hearing. Accordingly, please schedule a brief hearing time (before the regularly scheduled hearing docket at 10:00 a.m.) for the purpose of allowing Mr. Tanczyn to submit a copy of the agreement between Wiltondale Community Association and Appellee for inclusion in any zoning Order the Board passes, and to allow brief testimony from witnesses called by the People's Counsel regarding an agreement made between the Appellee and the Rodgers Forge Community Association. It is my understanding that because all appeals have been withdrawn, these cases are not coming before the Board for further testimony from the Appellee, but for the purposes set out above.

William T. Hackett, Chairman
Michael B. Sauer, Esquire
August 5, 1991
Page 2

Please do not hesitate to contact me if you have questions or comments.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/cac
Enclosure

cc: Phyllis C. Friedman, Esquire
Michael P. Tanczyn, Esquire

62:1117-7-353005

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

April 12, 1991

Honorable William T. Hackett
County Board of Appeals of Baltimore County
County Office Building
111 West Chesapeake Avenue, Room 315
Towson, MD 21204

Re: Case Number CBA-89-191
Latshaw Property & CRG Decision
Case Number 90-71-SPHA
York & Stevenson Limited Partnership

Dear Mr. Hackett:

I am writing concerning the above cases, presently scheduled for hearing on Wednesday, April 24, 1991, at 10:00 a.m. before the County Board of Appeals.

On behalf of the Wiltondale Improvement Association, Eileen C. Riley, and any other individual protestants whom I represent and for whom my appearance has been entered previously, I am writing to inform the Board that my clients have reached an agreement reduced to writing with the York & Stevenson Limited Partnership and Robert E. Latshaw, Jr. executed March 19, 1991.

Pursuant to Paragraph 4, Page 5 of that agreement, the parties were to request inclusion of this agreement in any Zoning Order passed and I therefore enclose a copy of the agreement for the County Board of Appeals' files with the request that it be incorporated, at least by reference, and appended to any Zoning Order passed by the County Board of Appeals approving this project.

Pursuant to Paragraph 3 of said agreement, we are promptly and voluntarily dismissing our Appeal in County Board of Appeals Case Number CBA-89-191. We will, therefore, not be participating in the hearing at the continuance of the matter on April 24, 1991. I would therefore ask that my appearance be stricken.

If there are any further questions of me or any further

Honorable William T. Hackett
Re: Case Numbers CBA-89-191 & 90-71-SPHA

April 12, 1991
Page 2

information which I can supply, please do not hesitate to contact me.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc: Robert A. Hoffman, Esq.
Phyllis Cole Friedman, Esq.
Wiltondale Improvement Association
Ms. Eileen Riley
Ms. Carole B. Natale
Mr. David Hunter
Mr. Patrick C. Dolan
Mr. Craig W. Parker

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D. C.
ROCKVILLE, MD
ROCKVILLE, MD
ROCKVILLE, MD
TOWSON, MARYLAND 21204-5817
(301) 822-4111
FAX (301) 822-4147

August 12, 1991

WRITER'S DIRECT NUMBER IS
494-9162

William T. Hackett, Chairman
Michael B. Sauer, Esquire
County Board of Appeals for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: York/Stevenson Limited Partnership, Appellee
Case Nos.: CBA-89-191, 90-71-SPHA

Gentlemen:

I am writing to correct an inaccuracy in my correspondence dated August 5, 1991. People's Counsel filed appeals to both the Zoning Commissioner's decision and to the amended decision in the referenced case.

Accordingly, my statement with regard to "all appeals" being withdrawn is in error. I apologize for any confusion this may have caused.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/tls
cc: Phyllis C. Friedman, People's Counsel
Michael P. Tanczyn, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
APR 13 1991

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 • (301) 296-8824
Fax: (301) 296-8827

November 11, 1991

Honorable William T. Hackett
County Board of Appeals
County Office Building
111 West Chesapeake Avenue, Room 315
Towson, MD 21204

Re: Hearing November 27, 1991 @ 10:00 a.m.
Case Number CBA-89-191
Latshaw Property & CRG Decision
Case Number 90-71-SPHA
York & Stevenson Limited Partnership

Dear Chairman Hackett and Panel Members:

Without repeating the contents of my previous letter of April 12, 1991, I would merely renew my request on behalf of my clients, Wiltondale Improvement Association, Inc., that the agreement previously forwarded to the Board be incorporated in any Order passed by the Board pursuant to paragraph 4 of said agreement. I enclose another copy of that agreement for the Board's reference.

I am scheduled to appear before Judge Smith that same morning in the matter of Baltimore County vs Patapsco Valley Farms, Inc., et al and wanted to explain to the Board why neither I nor my clients will be present for the continuation of this Board hearing.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure
cc: Robert A. Hoffman, Esq.
Wiltondale Improvement Association, Inc.

AGREEMENT

THIS AGREEMENT, made on this 19th day of March, 1991, by and between YORK/STEVENS ON LIMITED PARTNERSHIP, a Maryland limited partnership ("YSLP"), WILTONDALE IMPROVEMENT ASSOCIATION, a Maryland non-profit corporation (the "Association") and EILEEN C. RILEY, an individual ("Riley")

WITNESSETH:

WHEREAS, YSLP plans to construct a new commercial office building and associated parking and other on-site facilities (the "Project") upon property owned by it and more particularly described on EXHIBIT A attached hereto and made a part hereof (the "YSLP Property"), near the northwest corner of York Road and Stevenson Lane just north of an existing two-story office building owned by it (the "Existing Building"), and just south of property owned by the Central Presbyterian Church; and

WHEREAS, the Association is an association of homeowners, including Riley, whose homes are located in a community on the east side of York Road and north side of Stevenson Lane; and

WHEREAS, the Association has taken an appeal from the approval by the County Review Group of Baltimore County, Maryland of a development plan for the Project which is pending before the Board of Appeals of Baltimore County, Maryland as Case No. CBA-89-191; and

WHEREAS, YSLP is willing to impose certain restrictions on the YSLP Property, in consideration for which the Association and Riley are willing to support development of the Project, as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties hereto hereby agree as follows:

1. YSLP hereby covenants and agrees that the development of the Project upon the YSLP Property shall be accomplished subject to the following:

a. The front building line of the proposed new office building (the "New Building") shall be set back thirty-four (34) feet from the right of way line of York Road.

b. The gross floor area in the New Building, for purposes of determining the number of parking spaces required under applicable zoning regulations, shall be reduced from ten thousand three (10,003) square feet as specified on the development plan for the Project approved by the County Review Group of Baltimore County, Maryland to nine thousand five hundred (9,500) square feet.

c. The New Building will be constructed of brick as similar as possible in color to the Existing Building; it will have a dark shingle, pitched roof; it will have double-hung windows; and it will be no more than twelve (12) feet taller than the Existing Building.

d. The landscaping along the York Road frontage of the New Building will include a brick and metal decorative fence.

e. Exterior lighting on the New Building and adjacent parking area will be aesthetically pleasing and subject to review by the Association to satisfy its concerns for security.

f. YSLP shall submit its plans for the exterior of the New Building and site plan to the Association for its review prior to the preparation of final construction plans therefor.

2. YSLP further agrees to otherwise restrict the YSLP Property in the following respects:

a. YSLP will construct and maintain on the YSLP Property at the intersection of the alley binding on the west side thereof with Stevenson Lane a sign restricting entry onto Stevenson Lane to right turns only during the hours of 3:00 p.m. to 7:00 p.m. (excluding Saturdays, Sundays and holidays).

b. The Existing Building will not be expanded, demolished or materially altered on the exterior thereof for a period of eighteen (18) years from the date hereof.

c. The building lines of any new or renovated building upon the site of the Existing Building developed after the expiration of the aforesaid eighteen (18) year period and prior to the expiration of twenty-three (23) years from the date hereof shall be set back at least thirty-five (35) feet from York Road and be no closer to Stevenson Lane than the Existing Building.

d. The landscaping located along the east and south sides of the Existing Building shall not be voluntarily reduced by the owner of the YSLP Property for a period of twenty-three (23) years from the date hereof.

e. YSLP will make good faith efforts to obtain the consent of the Central Presbyterian Church and/or other owner of rights in the alley abutting the west side of the YSLP Property to

(i) extend the alley north into the existing Central Presbyterian Church parking lot and driveway, (ii) to remove existing barriers, and (iii) to improve the alley and the Church's driveway for use by the occupants of the YSLP Property; provided that the same is not prohibited by any governmental authorities having jurisdiction. The improvements to the alley and the Church's driveway shall be made in such a way as to discourage traffic from using this route for access from York Road to Stevenson Lane.

f. YSLP will make good faith efforts to obtain the consent of the Central Presbyterian Church to use twenty (20) parking spaces located upon the Church's property during weekdays, in exchange for permitting the Church to utilize the new parking lot to be constructed upon the YSLP Property on Sundays.

g. Neither the Existing Building nor the new building shall be used for any retail purposes other than those existing as of the date hereof for a period of eighteen (18) years from the date hereof.

3. In consideration for the agreements of YSLP hereinabove set forth, the Association hereby covenants and agrees to promptly dismiss its appeal in County Board of Appeals Case No. CBA-89-191 and, together with Riley, to hereafter support all governmental approvals for the Project, and any redevelopment of the Existing Building, so long as such approvals conform to the provisions of this Agreement.

4. The agreements of YSLP and the restrictions on the YSLP Property contained in paragraphs 1 and 2 hereof (except for

paragraph 1.f.) shall not become effective and binding upon YSLP and the YSLP Property until YSLP has commenced construction of the Project pursuant to the plan approved by the County Review Group of Baltimore County, Maryland, as modified by the provisions of paragraph 1 hereof. Thereafter, this Agreement may be recorded by the Association in the Land Records of Baltimore County. *BOTH PARTIES WILL REQUEST INCLUSION OF THIS AGREEMENT IN ANY ZONING ORDER.*

5. This Agreement and all terms and conditions hereof, to the extent not sooner terminated as provided herein, shall automatically terminate and be of no further force and effect upon the expiration of twenty-three (23) years from the date hereof.

6. Robert E. Latshaw, Jr. ("Latshaw"), a partner in YSLP, is the current holder of legal title to the YSLP Property. Latshaw has contributed the YSLP Property to YSLP. Latshaw, as the holder of legal title to the YSLP Property, has therefore joined in the execution of this Agreement to confirm that the provisions hereof shall be binding upon the YSLP Property.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized agents as of the day and year first above written.

WITNESS: YORK STEVENSON LIMITED PARTNERSHIP
By Realtech Properties, Inc.,
General Partner
By: *Robert E. Latshaw, Jr.*
Robert E. Latshaw, Jr., President

ATTEST: WILTONDALE IMPROVEMENT ASSOCIATION
By: *William Howanski*
David F. Hunter, Treasurer William Howanski, President

WITNESS:

5

WITNESSES:

Paul B. Dattile
Patricia M. Lunning
Eileen C. Riley
Robert E. Latshaw, Jr.

6

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 18th day of March, 1991, before me, a Notary Public in and for the State aforesaid, personally appeared Robert E. Latshaw, Jr., who acknowledged himself to be the President of Realtech Properties, Inc., a body corporate, general partner of York/Stevenson Limited Partnership, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the said corporation by himself as President.

AS WITNESS my hand and notarial seal.

My Commission Expires:

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 19th day of March, 1991, before me, a Notary Public in and for the State aforesaid, personally appeared F. William Howanski, who acknowledged himself to be the President of Wiltondale Improvement Association, a body corporate, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the said corporation by himself as President.

AS WITNESS my hand and notarial seal.

My Commission Expires:

7

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 19th day of March, 1991, before me, a Notary Public in and for the State aforesaid, personally appeared Eileen C. Riley, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

My Commission Expires:

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 19th day of March, 1991, before me, a Notary Public in and for the State aforesaid, personally appeared Robert E. Latshaw, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

My Commission Expires:

AGMT0461.DOT

8

EXHIBIT A

Beginning for the same at the point of intersection of the westerly most right-of-way line of York Road begin 66.00 feet wide and the northerly most right-of-way line of Stevenson Lane being 70.00 feet wide; thence leaving said westerly most right-of-way line of York Road and running with and binding on the northerly most right-of-way line of Stevenson Lane, as now surveyed: South 82, 44' 02" West 158.91 feet to a point intersecting the easterly most side of a 15.00 foot easement as described in deed dated June 12, 1952, and recorded among the Land Records of Baltimore County in Liber 2143, Folio 314; thence leaving said northerly most right-of-way line and running with and binding on the easterly most side of said 15.00 foot easement North 12, 01' 33" East 235.64 feet to a point intersecting the third line of deed dated September 24, 1951, and recorded among the Land Records of Baltimore County in Liber 2019, Folio 198; thence running reversely with and binding on said third line South 78, 37' 58" East 150.00 feet to a point intersecting the westerly most right-of-way line of York Road; thence running with and binding on said westerly most right-of-way line South 12, 01' 33" West 184.87 feet to the point of beginning. Containing 31,536 square feet or 0.7240 acres of land more or less.

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
HALLAM, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN

December 12, 1991

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals
of Baltimore County
3rd Floor, County Office Building
Towson, Maryland 21204

Re: York and Stevenson Limited Partnership
Case Nos.: 90-71-SPHA and CBA-89-191

Dear Mr. Hackett:

As requested by Mr. Sauer at the end of our brief hearing on January 29, 1991, enclosed is a copy of a proposed Order of Dismissal.

Please call me if you have any questions or wish me to make changes.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/tls

19 DEC 12 PM 1:51
RECEIVED
COUNTY BOARD OF APPEALS

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
HALLAM, VA
ROCKVILLE, MD
BETHESDA, MD

ROBERT A. HOFFMAN

February 4, 1992

HAND-DELIVERED

Lawrence E. Schmidt,
Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-71-SPHA

Dear Mr. Schmidt:

On December 18, 1991, the County Board of Appeals of Baltimore County dismissed the above-captioned case, thus leaving the Zoning Commissioner's Order controlling development of the subject property.

In the Order of Dismissal (a copy is attached), the Board states that it "entered into the case file" an agreement among the York Stevenson Limited Partnership, the Wiltondale Improvement Association and Eileen C. Riley, dated March 19, 1991 and a site plan marked Petitioner's Exhibit 1.

As a matter of clarification, it is respectfully requested that these exhibits which are now in the case file be incorporated into the Zoning Commissioner's Findings of Fact and Conclusions of Law.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/tls
Enclosure
cc: Robert E. Latshaw, Jr.
Michael P. Tancryn, Esquire

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE AND DECISION OF THE COUNTY REVIEW GROUP

NORTHWEST CORNER OF YORK ROAD AND STEVENSON LANE (7300 YORK ROAD)

9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

YORK AND STEVENSON LIMITED PARTNERSHIP, PETITIONER

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

CASE NOS.: 90-71-SPHA;
CBA-89-191

ORDER OF DISMISSAL

County Board of Appeals Case No. 90-71-SPHA was called for hearing on January 29, 1991 at 10:00 a.m. Before any testimony or evidence was received, People's Counsel withdrew her appeal. Prior to concluding the hearing, the Board did receive an Agreement between the York-Stevenson Limited Partnership, The Wiltondale Improvement Association and Eileen C. Riley, dated March 19, 1991 and a site plan marked Petitioner's Exhibit No. 1, both of which are entered into the case file. All appeals in both referenced cases having been withdrawn, the Board will therefore dismiss the appeals in this case.

IT IS HEREBY ORDERED this 12th day of December, 1991, by the County Board of Appeals of Baltimore County, that all appeals previously filed in Case Nos. 90-71-SPHA and CBA-89-191 are hereby DISMISSED WITH PREJUDICE.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett
John G. Disney
John G. Disney
Michael P. Tancryn
Michael P. Tancryn

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

SUITE 800
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELECOPIER FAX (301) 828-7859

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ASKEW
EUGENE W. CUNNINGHAM, JR.

RECEIVED
OCT 9 1989
ZONING OFFICE

October 10, 1989

VIA HAND DELIVERY

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Re: Petitions for Special Hearing and variances - NW/Corner
York Road and Stevenson Lane (7300 York Road)
Case No. 90-71-SPHA

Dear Commissioner Haines:

Please enter my appearance for Mr. Richard Zeff and The
Rodgers Forge Community, Inc. in this matter. On their behalf,
I note an appeal from the Zoning Commissioner's Findings of Fact and
Conclusions of Law, dated September 8, 1989. The full names
and addresses of the Appellants are as follows:

Mr. Richard D. Zeff
349 Old Trail
Baltimore, Maryland 21212

The Rodgers Forge Community, Inc.
c/o Edward J. Gilliss, President
7032 Heathfield Road
Baltimore, Maryland 21212

I enclose a check, in the amount of \$125.00 to cover the
cost of this appeal. I thank you for your cooperation.

Sincerely,

Keith R. Truffer

KRT/cjc
3037y
Enclosure

cc: Board of Appeals
Robert A. Hoffman, Esq.

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

SUITE 800
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELECOPIER FAX (301) 828-7859

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ASKEW
EUGENE W. CUNNINGHAM, JR.

October 23, 1989

Mr. William T. Hackett, Chairman
Board of Appeals
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Variances - NW/Corner
York Road and Stevenson Lane (7300 York Road)
Case No. 90-71-SPHA

Dear Mr. Hackett:

On October 10, 1989, I entered an appeal in this matter on
behalf of Richard D. Zeff and The Rodgers Forge Community, Inc.
from the Zoning Commissioner's Findings of Fact and Conclusion
of Law dated September 8, 1989.

On October 19, 1989, the Zoning Commissioner amended the
September 8 Order in several minor respects. It is my opinion
that the original September 8 Order represented the "final
order" as contemplated by Baltimore County Code §22-32 and that
no new appeal need be filed as to the Amended Order. However,
to the extent that the October 19, 1989 Amended Order
constitutes the "final order" in this matter, an appeal is
hereby noted to that Order on behalf of the same parties
identified in my October 10, 1989 appeal letter.

I thank you for your cooperation.

Sincerely,

Keith R. Truffer

KRT/cjc
3080y

cc: J. Robert Haines, Esq., Zoning Commissioner
Robert A. Hoffman, Esq.

RECEIVED
OCT 23 1989
BOARD OF APPEALS

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

SUITE 800
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELECOPIER FAX (301) 828-7859

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ASKEW
EUGENE W. CUNNINGHAM, JR.

June 5, 1990

Mr. William T. Hackett, Chairman
Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-71-SPHA and CBA-89-191
York and Stevenson Ltd. Partnership, Petitioner

Dear Mr. Hackett:

By letter dated May 14, 1990, I notified you of the
withdrawal of the appeal filed by The Rodgers Forge Community,
Inc. and Richard D. Zeff as to Case No. 90-71-SPHA. I
incorrectly identified that appeal as having been taken from the
November 22, 1989 decision of the County Review Group. The
latter appeal is in fact designated as Case No. CBA-89-191. In
order to clarify your record, on behalf of both of these
Appellants, please formally withdraw the appeals noted as to
both of these cases. The Appellants have authorized me to
withdraw these appeals, as evidenced by their signatures below.

I thank you for your cooperation.

Sincerely,

Keith R. Truffer

KRT/cjc
3430y

cc: Robert A. Hoffman, Esq.

THE RODGERS FORGE COMMUNITY, INC.

By: Edward J. Gilliss, President

Richard D. Zeff

RECEIVED
JUN 5 1990
COUNTY BOARD OF APPEALS

HOLD
FROM 2/24/96
30

FOR REVIEW AS PART OF
ANY STATE FOR LATSHAW
PROP.

MILES & STOCKBRIDGE
A PROFESSIONAL CORPORATION

600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-8865
TELEPHONE 410-881-0868
FAX 410-883-8187

11000 RANFORD HILLS ROAD
FAIRFAX, VA 22030-7689

30 WEST PATRICK STREET
FREDERICK, MD 21701-8500

20 WEST JEFFERSON STREET
ROCKVILLE, MD 20850-4866

1400 O STREET, N.W.
WASHINGTON, D.C. 20004-8001

February 26, 1990

HAND DELIVERY

Mr. Donald Rascoe
Development Manager
Development Review Committee
Baltimore County Office of Permits and Development Management
Room 109
111 West Chesapeake Avenue
Towson, MD 21204

RE: Latshaw Property - 7300 York Road
York Stevenson Limited Partnership

Dear Mr. Rascoe:

I represent the Wiltontale Improvement Association, Incorporated. Wiltontale is a
residential subdivision located immediately across York Road from the subject property.
This letter and its contents are presented to the Development Review Committee in
connection with this item on your agenda for today's meeting of your Committee, which I
understand to be old business carried forward from your meeting of January 16, 1990. I plan
to be in attendance at today's meeting with S. William Howanski of the Wiltontale
Improvement Association, Incorporated.

The business before your Committee is a CRG Plan Refinement requested by the
Applicant. The subject property is presently improved with a 5,060 sq. ft. residence
converted to a two story office building. The existing plan calls for the construction of an
additional 9,500 sq. ft. two story office building adjacent to the existing structure with
parking underneath. The proposed CRG Plan Refinement contemplates the razing of the
existing structure and the construction of a 9,200 sq. ft. medical office building.

The existing plan is the subject of an April, 1991 Order of the County Board of
Appeals arising from an appeal by Wiltontale Improvement Association, Incorporated and

MILES & STOCKBRIDGE
A PROFESSIONAL CORPORATION

Mr. Donald Rascoe
February 26, 1990

others from the granting by the Zoning Commissioner of a Petition for a Special Hearing by
York Stevenson Limited Partnership. The Order of the Board of Appeals incorporates the
provisions of a March 19, 1991 Agreement between York Stevenson Limited Partnership,
Robert E. Latshaw, Jr., Wiltontale Improvement Association, Incorporated and Eileen C.
Riley, a copy of which is enclosed.

That Agreement expressly provides, among other things, that:

"b. The Existing Building will not be expanded, demolished or materially
altered on the exterior thereof for a period of eighteen (18) years from the date
hereof."

The proposed CRG Plan Refinement is contrary to this and other provisions
of that Agreement. Accordingly, Wiltontale Improvement Association, Incorporated objects
to this Committee's consideration of the proposed CRG Plan Refinement and opposes the
granting of the proposed CRG Plan Refinement.

Very truly yours,
K. Donald Proctor

KDP/dn
Enclosure

cc: Kurt Kugleberg, Project Manager (Hrnd Delivery)
Lucy Meyer, Wiltontale Improvement Association, Incorporated (By Telecopier)
Robert E. Latshaw, Jr. (By Telecopier 296-6336)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
Paul Korman	2015 E. Baltimore Ave 21204
Margie Prevot	R.A. Kinsley, Inc. RDB Box 232 York PA 17403
Barbara Ramsey	Towson Times, 409 Washington
Robert J. Smith	Central Presbyterian Church 7305 York Rd., Towson, 21204
Arthur Kutcher	7728 Greenview Terr. Towson 21204
Robert E. Latshaw, Jr.	600 Fairmount Avenue 21204
Olle Munnar	444 E. Joppa Rd. 21204
J. Steven Sami	303 Academy Ave Towson
Eileen C. Riley	623 WILTON Rd, Towson 21204

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
J. MARKWOOD HARP, SR.	408 STEVENSON LANE
FOR SELF AND CENTRAL PRESBYTERIAN CHURCH	TOWSON, MARYLAND 21204
- Richard D. Zeff	349 Old Trail, Balt 21212
for Rodgers Forge Community Assn.	
Craig W. Parker	515 YAMOUTH RD 21204
Patrick C. Dolan, Pres.	P.O. BOX 1016 TOWSON, MD 21204
WILTONTALE IMP. ASSOC. INC.	
Dr. John Murray Smoot	406 Stevenson Lane 21204
J. CLARK KELLY	6213 PINEHURST RD 21212
	BUSINESS 9000 YORK RD 21204
Arthur Kutcher	1792A Greenview Terr Towson 21204
B. Il Howanski	625 HATINGS ROAD TOWSON 21204
Eileen C. Riley	623 WILTON Rd TOWSON, MD 21204
Carol Natale, Vice Pres.	693 Coventry Rd. Towson, MD 21204

LATSHAW PROPOSAL FOR DEVELOPMENT OF
NW CORNER OF YORK ROAD AND STEVEN-
SON LANE.

J. MARKWOOD HARP, SR. REPRESENTING:
SELF - 408 STEVENSON LANE
CENTRAL PRESBYTERIAN CHURCH - 7308 YORK
ROAD. (JMHARP ON THE BOARD OF TRUSTEES)

PRIOR OCCUPANCIES OF THE EXISTING OFFICE
BUILDING:

TAYLOR CHEMICAL - MANUFACTURER OF
TESTING KITS.

PROTESTANT'S
EXHIBIT 3

PROBLEMS:

1. TRACTOR TRAILERS AND DELIVERY
TRUCKS FREQUENTLY BLOCKED
THE ALLEY (WHICH SERVES AS A
DRIVE WAY TO THE ADJACENT RESI-
DENCES.
2. EMPLOYEE PARKING FILLED BOTH
SIDES OF STEVENSON LANE FROM
EARLY MORNING TO LATE AFTERNOON.
THIS BLOCKED ACCESS FOR RESIDENT
TRAIL LOADING AND UNLOADING IN
FRONT OF THEIR OWN HOMES.

TENANT OCCUPANCY - DURING THE OCCUPANCY
OF A CONTRACTOR, TRUCKS AND VANS
DOUBLE PARKED AND BLOCKED THE
ALLEY. EMPLOYEE PARKING USED
THE RESIDENTIAL SPACES ON
STEVENSON LANE.

THE EXISTING PROPOSAL APPEARS TO OVER-
BUILD THE SITE WHICH WILL GREATLY
EXACERBATE THE PARKING PROBLEMS.

② J. MARKWOOD HARP, SR. 8-31-85

THE EXISTING ALLEY WHICH IS THE ONLY MEANS OF EGRESS AND INGRESS IS VERY MARGINAL IN SERVING THE EXISTING OCCUPANCY. ALLEY SHOULD BE WIDENED.

FLOW OF TRAFFIC IN AND OUT TO STEVENSON LANE FROM THE ALLEY IS SUBJECT TO LONG DELAYS.

TRAFFIC STILL FLOWS TWO WAYS SIMULTANEOUSLY ON STEVENSON LANE BECAUSE THERE IS NO RESTRICTION TO TURNS ON THE RED SIGNAL.

THERE HAS BEEN NO AGREEMENT WITH CHURCH PRESBYTERIAN CHURCH, NOR IS ANY CONTEMPLATED.

NO OBJECTION TO PARKING IN THE D-1 ZONE BY SELF OR CHURCH.

BUILDING CROWDS YORK RD. MORE SET BACK DESIRABLE.

PLEASED THAT THE EXISTING BUILDING REMAINS ALONG WITH ITS RESIDENTIAL SETTING.

MUCH TRAFFIC ENGINEERING REQUIRED TO MAKE THIS SITE SUITABLE FOR COMMERCIAL DEVELOPMENT.

J. Markwood Harp, Sr.

OLLIE K. MUMPOWER, JR. TRAFFIC ENGINEER

Mr. Mumpower has over fourteen years experience in the field of Traffic Engineering as a member of the Maryland State Highway Administration. Working as a Regional Traffic Engineer, Mr. Mumpower dealt with the day to day operational problems of the State Highway system, including traffic signal studies (warrants, design, timing), safety studies, and traffic control.

As a member of the Bureau of Traffic Projects, Mr. Mumpower was responsible for reviewing traffic impact studies submitted by developers for the State's approval. Additionally, Mr. Mumpower has provided traffic analysis comments for other Bureaus in the Administration. Timing of the State's coordinated signal systems was an additional part of Mr. Mumpower's duties.

While working with the Traffic Group, Inc., Mr. Mumpower has provided consultation to developers on a variety of projects including the Chesatuxent Shopping Center in Prince Frederick, The MD 202 Road Club in Landover, and Wildewood Residential Community in St. Mary's County.

Job History

1988 to Present
Traffic Engineering Consultant

1974-1988

Maryland State Highway Administration
Office of Traffic
Chief, Traffic Analysis Section
Chief, Technical Support Section
Chief, Technical Support Staff
Assistant Regional Traffic Engineer
(Special Assignment)
Regional Traffic Engineer
Regional Traffic Engineering Staff

Educational Background

B.S. in Civil Engineering
with emphasis in Transportation —
University of Maryland

A.A. in Engineering —
Harford Community College

Traffic Engineering Courses:
Northwestern Traffic Institute;
National Highway Institute;
University of Maryland Transportation
Studies Center;
Transportation Studies Center;
Anne Arundel County Community
College;
Catoxville Community College

Affiliations

Registered Engineer —
In-Training
(E.I.T.)

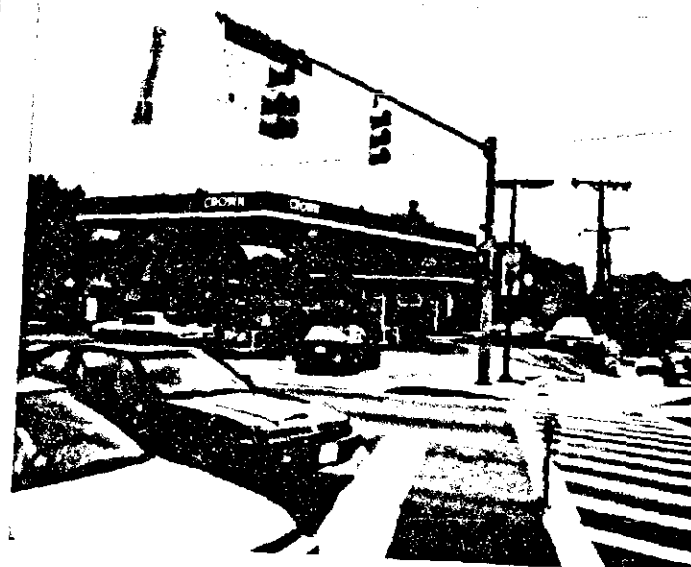
PETITIONER'S EXHIBIT 4

THE TRAFFIC GROUP, INC.

414 E. Joppa Road
Towson, Maryland 21204
(301) 583-8405

QUALIFICATIONS
Ollie K. Mumpower, Jr.

PETITIONER(S) EXHIBIT 2

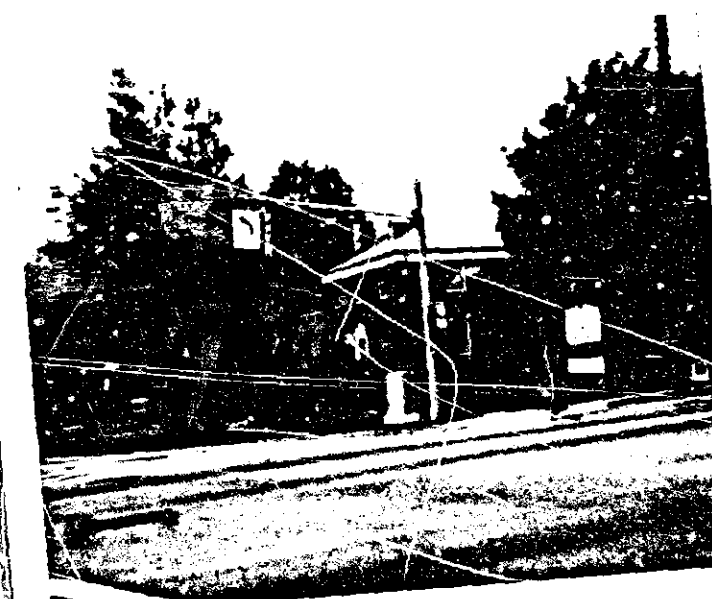


Developers 3 A

PETITIONER(S) EXHIBIT 2



Developer 4A

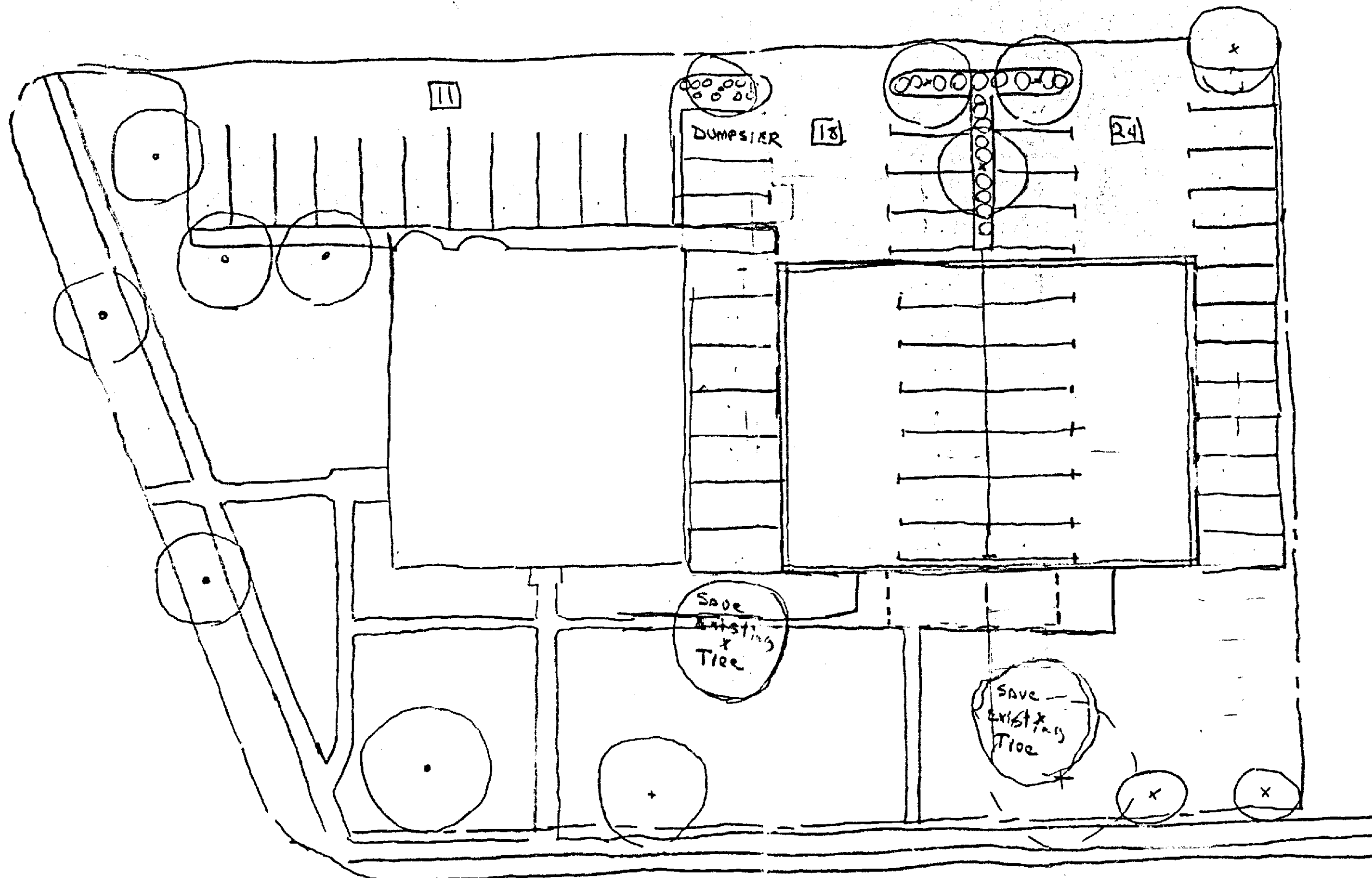


Developer 3 B

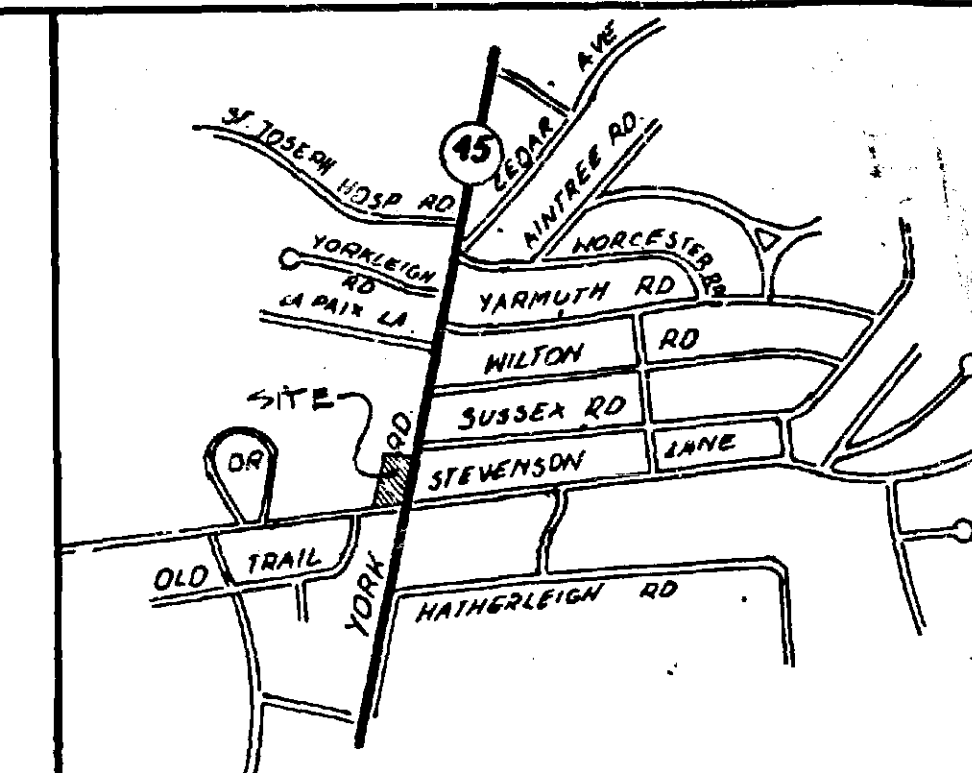
Developer 4B



Staff Exhibit A
MICROFILMED

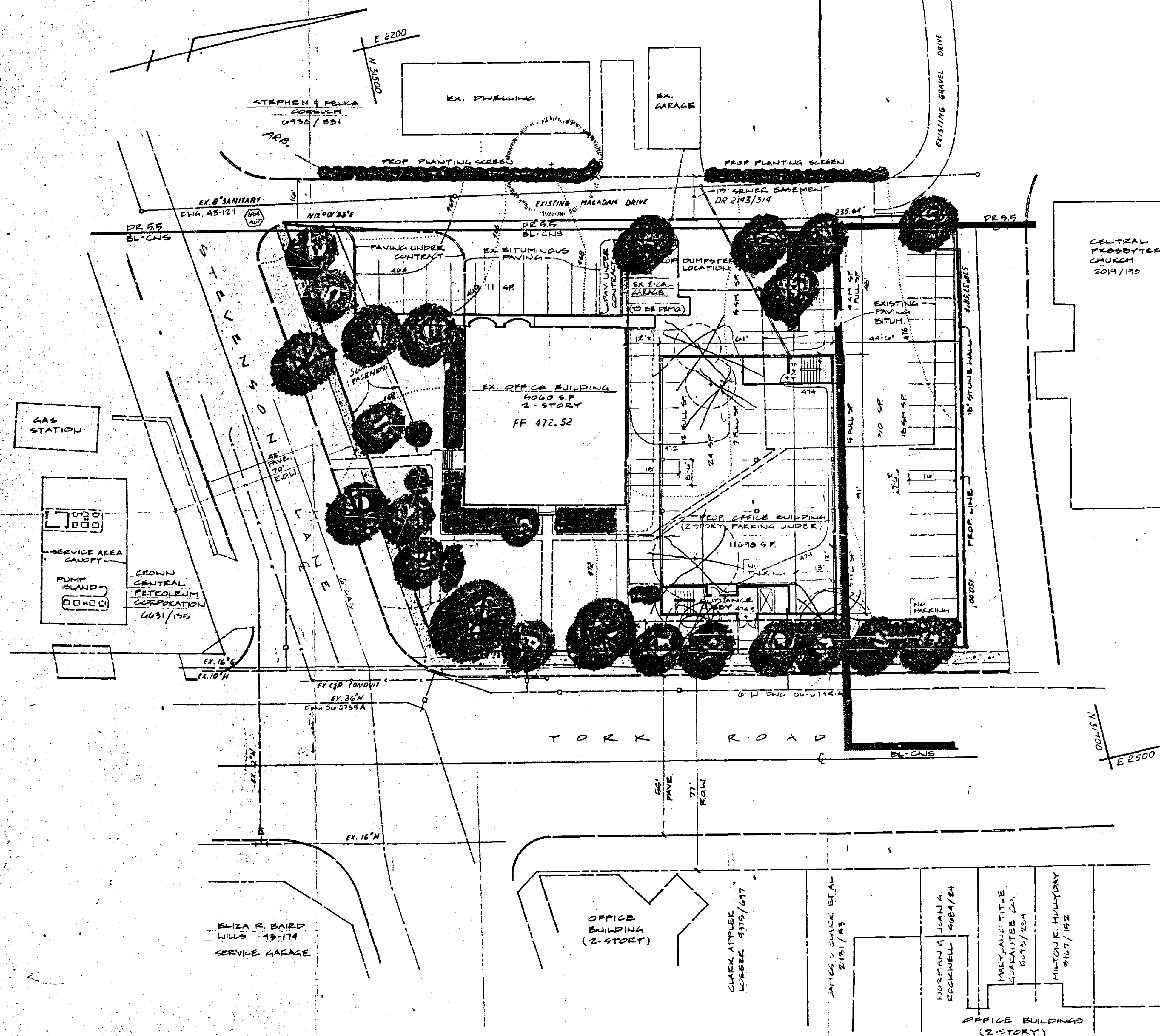


Parking
Existing Building 5060 17 spaces No medical
Proposed Building 8,744 38 spaces All medical

[illegible]

VICINITY MAP
1" = 1000'

Petitioner Ex 3



SITE DATA

1. AREA - NET. 31938 SF, GROSS - 41850 SF
2. ZONING - BL-GNS GR. - 35519 SF
O-1 GR. - 7611 SF
DE 55 GR. - 720 SF
3. ALLOWABLE FLOOR AREA (FAR 30)
BLDG. ENTIRELY IN BL ZONE - 100597 SF
4. EXISTING FLOOR AREA - 8900 SF
5. PROPOSED ADDITIONAL FLOOR AREA - 11670 SF
100% MEDICAL
6. PARKING
MEDICAL: 1132 SF @ 4.5/1000 SF = 51 SP.
GENERAL OFFICE: 8060 @ 3.5/1000 = 17 SF
68 SP
TRANSIT ADJUSTMENT - 5% @ 7 = 3.55 SP
TOTAL SP. REQUIRED - 65
TOTAL SP. PROVIDED - 65
40% SMALL SP = 26 FULL SP = 39
A SPECIAL HEARING HAS BEEN FILED FOR TO
ADJUDICATE THE TRAFFIC FOR EXISTING PARKING

GENERAL NOTE

- [illegible]

**PETITIONER'S
EXHIBIT 3**

TO INTERFERE THAT AMENITY OPEN SPACE IS NOT REQUIRED IN AN O-1 ZONE CONTAINING PARKING BUT NO BUILDING OR OTHERWISE TO PERMIT 5% A.O.S. IN EXCESS OF THE SPECIFIED 20%.

LATSHAW ET AL PROPERTY

@ 7300 YORK ROAD

CRC PLAN

SCALE - 1" = 20'

DATE - 14 JULY 1974

(90-28-SPHA)

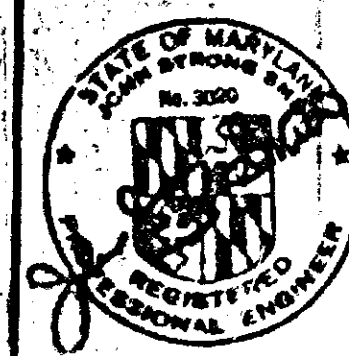
PH: 6037

GWS

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120



OWNER / DEVELOPER
LATSHAW COMMERCIAL PROPERTIES

SUITE 306
600 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21204
PH. 821-5600

LATSHAW ET AL PROPERTY

@ 7300 YORK ROAD

CRC PLAN

SCALE - 1" = 20'

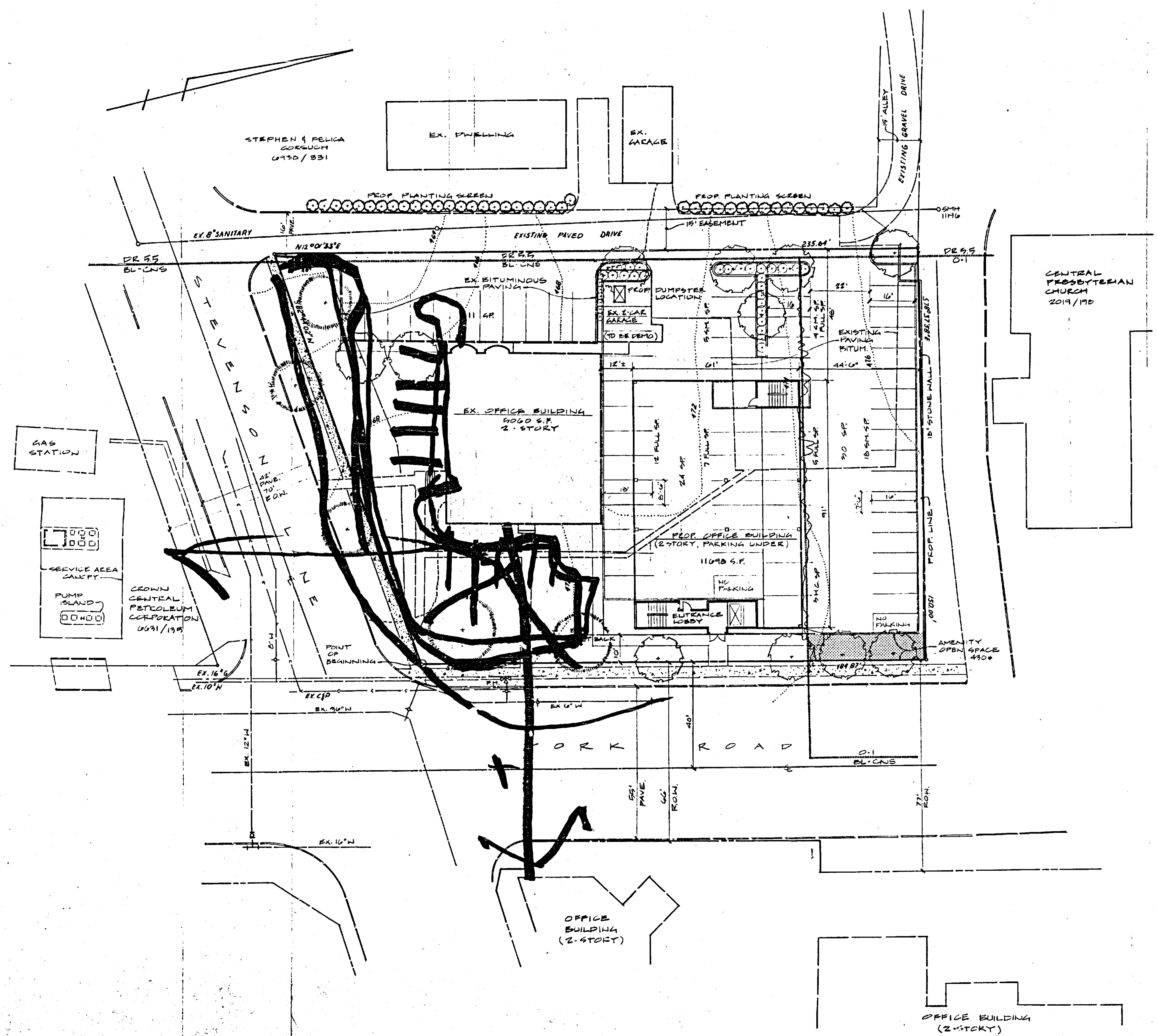
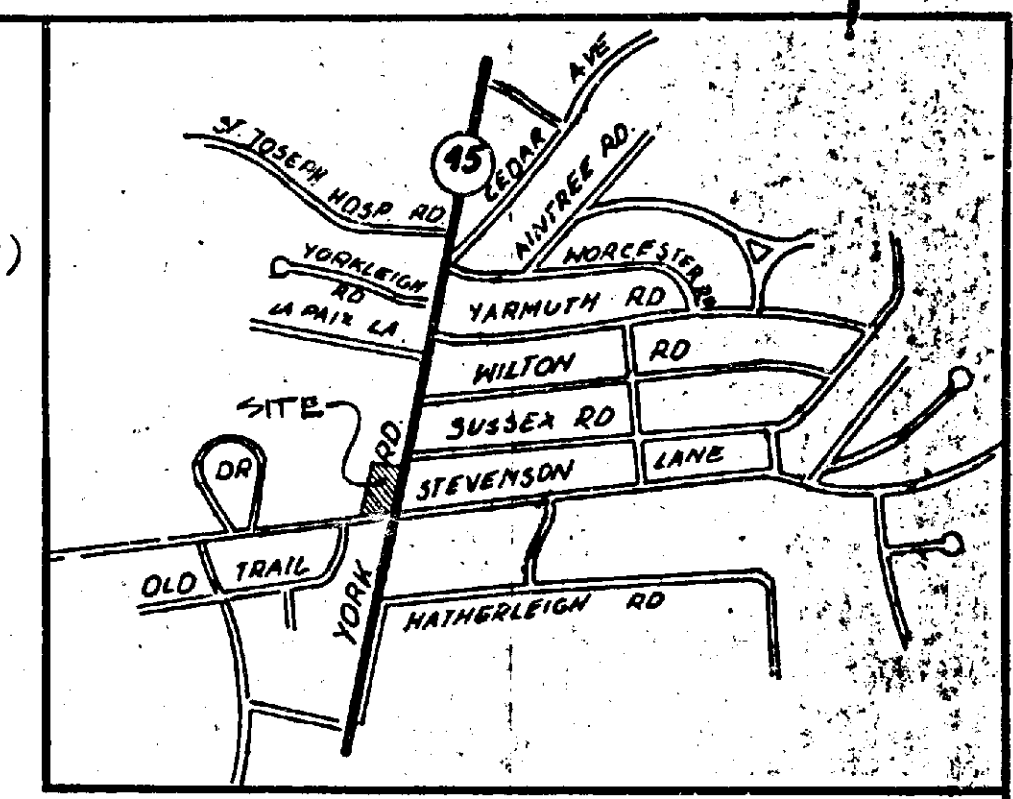
DATE - 14 JULY 1974

(90-28-SPHA)

PH: 6037

Ref # 1

- GENERAL NOTES**
- 1) ALL PAVEMENT SHALL BE BITUMINOUS CONCRETE. (800G# FOCUS PAVING FOR STR. WTR. MGT.)
 - 2) ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPS W/ A MAX. HEIGHT OF 15'.
 - 3) PROPOSED PLANTING SCREEN SHALL CONSIST OF (40) LIQUIDUM LUCIDUM SPACED 4' O.C..



- SITE DATA**
1. AREA - NT 0.72 AC. 9530 S.F. 405' 0" X 410' 0" S.F.
 2. ZONING - BL - CENS 065.071 AC. - 83519 S.F. 0-1 - 65 0.17 AC. - 7611 S.F. DE 55 065 0.02 AC. - 720 S.F.
 3. ALLOWABLE FLOOR AREA (FAR 30) - (33519) S.F. BUCK ENTIRELY IN BL ZONE - 100557 S.F.
 4. EXISTING FLOOR AREA - 5000 S.F.
 5. PROPOSED ADDITIONAL FLOOR AREA - 11090 S.F. (100% MEDICAL) TOTAL - 10755 S.F. PROPR FAR - 0.50
 6. PARKING
MEDICAL - 11382 S.F. @ 4.5/1000 S.F. = 51 SP.
GENERAL OFFICE - 5000 @ 33/1000 = 17 SP.
TRANSIT ADJUSTMENT - 5% @ 67 = 3.35 SP.
TOTAL SP. REQUIRED - 65
TOTAL SP. PROVIDED - 65
40% SHALL SP = 26, FULL GP = 36, MC = 3

- ZONING REQUESTS**
1. SPECIAL HEARING TO APPROVE A USE PERMIT FOR BUSINESS PARKING IN AN O-1 ZONE.
 2. SPECIAL HEARING TO APPROVE A DETERMINATION THAT AMENITY OPEN SPACE IS NOT REQUIRED IN AN O-1 ZONE CONTAINING PARKING BUT NO BUILDING. OR ALTERNATIVELY
 - 2.A. A VARIANCE FROM SECTION 204.4B3 TO PERMIT 5% AMENITY OPEN SPACE IN AN O-1 ZONE IN LIEU OF THE REQUIRED 20% AMENITY OPEN SPACE.

Description of 31,538± Square Feet of Land, Northwest Corner of York Road and Stevenson Lane.

Beginning at a point in the north right-of-way line of Stevenson Lane and in the west right-of-way line of York Road; thence leaving said point of beginning and binding on the west right-of-way line of York Road

- 1) North 12° 01' 33" West 184.87 feet; thence leaving said right-of-way line
- 2) North 78° 37' 58" West 150.00 feet; thence
- 3) South 12° 01' 33" West 235.64 feet to a point in the north right-of-way of Stevenson Lane; thence binding on said line
- 4) North 82° 44' 02" East 158.91 feet to the point of beginning.

PETITIONER'S EXHIBIT 1

This description is for zoning purposes only and is not intended for use in the conveyancing of land.

PLAT TO ACCOMPANY REQUEST FOR SPECIAL HEARING

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120



LATSHAW ET AL PROPERTY
@ 7300 YORK ROAD
ELECTION DISTRICT - 9
SCALE - 1" = 20'
DATE - 28 AUGUST 1987

